



AGENDA

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Regular Meeting No. 2017-02

February 1, 2017 – 7:00 P.M.

City Hall Council Chambers

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ADOPTION OF MINUTES:

1. Regular Meeting No. 2017-01; January 4, 2017

ANNOUNCEMENTS:

OLD BUSINESS:

1. ♣FS-2-2016 – ERIC ADDINGTON

A final subdivision request to allow a proposed single-family residential 55-lot development called Sanibel Cove Subdivision in an RS-2, Single Family Residential District.

Tract A, Port Malabar Unit 36, Section 3, Township 29, Range 36, Brevard County, Florida, containing 16.74 acres, more or less. (Located east of and adjacent to Gertrude Avenue SW, between Whitehurst Road SW and Sapulpa Road SW)

2. CP-1-2017 – EMERSON DEVELOPMENT PARTNERS, LLC (MATT WILLIAMS)

A Comprehensive Plan Future Land Use Map small scale amendment from Single Family Residential Use to Commercial Use.

Lots 6 and 7, Block 304, Port Malabar Unit 9, Section 5, Township 29, Range 37, Brevard County, Florida, containing .48 acres, more or less. (Located at the southwest intersection of Malabar Road and Emerson Drive SE)

3. ♣CPZ-1-2017 – EMERSON DEVELOPMENT PARTNERS, LLC
(MATT WILLIAMS)

A zoning amendment from an RC, Restricted Commercial District and an RS-2, Single Family Residential District to a CC, Community Commercial District.

Lots 6 through 14, Block 304, Port Malabar Unit 9, Section 5, Township 29, Range 37, Brevard County, Florida, containing 2.05 acres, more or less. (Located at the southwest intersection of Malabar Road and Emerson Drive SE)

4. ♣CU-1-2017 – EMERSON DEVELOPMENT PARTNERS, LLC (MATT WILLIAMS)

A conditional use request to allow proposed retail automotive fuel sales in a CC, Community Commercial District.

Lots 6 through 14, Block 304, Port Malabar Unit 9, Section 5, Township 29, Range 37, Brevard County, Florida, containing 2.05 acres, more or less. (Located at the southwest intersection of Malabar Road and Emerson Drive SE)

NEW BUSINESS:

1. CP-2-2017 – LYNN E. GILCHRIST (MICHAEL E. DUJOVNE, ESQ., REP.)

A Comprehensive Plan Future Land Use Map large scale amendment from Agricultural (Brevard County) to Rural Single Family Use.

Tax Parcel 253, Section 21, Township 28, Range 36, Brevard County, Florida, containing 10 acres, more or less. (Located in the vicinity north of Emerson Drive NW, east of St. Johns Heritage Parkway, and west of Amadore Avenue NW)

2. ♣CPZ-2-2017 – LYNN E. GILCHRIST (MICHAEL E. DUJOVNE, ESQ., REP.)

A zoning amendment from a GU, General Use District (Brevard County) to a GU, General Use Holding District.

Tax Parcel 253, Section 21, Township 28, Range 36, Brevard County, Florida, containing 10 acres, more or less. (Located in the vicinity north of Emerson Drive NW, east of St. Johns Heritage Parkway, and west of Amadore Avenue NW)

3. SP-6-2017 – SUTTON PROPERTIES TOWER, LLC (FRED E. SUTTON)

A site plan approval request per Section 185.140(B)(7) to allow off-site private parking of vehicles in an LI, Light Industrial and Warehousing District.

Tax Parcel 257, Section 14, Township 28, Range 37, Brevard County, Florida, containing 1.70 acres, more or less. (Located east of and adjacent to Lipscomb Street NE, in the vicinity south of Commerce Park Drive NE, specifically at 2330 Commerce Park Drive NE)

OTHER BUSINESS:

ADJOURNMENT:

If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.

Any aggrieved or adversely affected person desiring to become a party in the quasi-judicial proceeding shall provide written notice to the city clerk which notice shall, at a minimum, set forth the aggrieved or affected person's name, address, and telephone number, indicate how the aggrieved or affected person qualifies as an aggrieved or affected person and indicate whether the aggrieved or affected person is in favor of or opposed to the requested quasi-judicial action. The required notice must be received by the clerk no later than five (5) business days at the close of business, which is 5 p.m., before the hearing. (§ 59.03, Palm Bay Code of Ordinances)

In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall, at least 48 hours prior to the meeting, contact the Land Development Division at (321) 733-3042 or Florida Relay System at 711.

♣ Quasi-Judicial Proceeding.

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING NO. 2017-01

Held on Wednesday, January 4, 2017, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Chairperson Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Ms. Leeta Jordan led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present
VICE CHAIRPERSON:	Wendall Stroderd	Present
MEMBER:	Leeta Jordan	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	William Pezzillo	Present
MEMBER:	Rainer Warner	Present
MEMBER:	Thomas "Woody" Woodrum	Present
MEMBER:	Michele Quinn (School Board Appointee)	Absent (Excused)

CITY STAFF: Present were Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Robert Loring, Planner; Ms. Chandra Powell, Growth Management Recording Secretary; Mr. James Stokes, Board Attorney.

Mr. Weinberg addressed the audience on the meeting procedures and explained that the Planning and Zoning Board/Local Planning Agency consists of volunteers who act as an advisory board to City Council.

For the benefit of the audience, Mr. Murphy announced that Case FS-2-2016, Eric Addington, would not be heard.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting No. 2016-12. Motion by Ms. Jordan, seconded by Mr. Stroderd to approve the minutes as presented. The motion carried with members voting unanimously.

ANNOUNCEMENTS:

There was no additional announcements.

OLD BUSINESS:

1. ♣FS-2-2016 – ERIC ADDINGTON

A third continuance had been requested by the applicant for Case FS-2-2016. Board action was required to continue the request.

Motion by Mr. Warner, seconded by Mr. Pezzillo to continue Case FS-2-2016 to the February 1, 2017 Planning and Zoning Board Meeting. The motion carried with members voting unanimously.

NEW BUSINESS:

1. CP-1-2017 – EMERSON DEVELOPMENT PARTNERS, LLC (MATT WILLIAMS)

Mr. Murphy announced that Cases CP-1-2017, CPZ-1-2017, and CU-1-2017 were being administratively continued to the February 1, 2017 Planning and Zoning Board Meeting due to incomplete applications. Board action was not required.

2. ♣CPZ-1-2017 – EMERSON DEVELOPMENT PARTNERS, LLC (MATT WILLIAMS)

Case CPZ-1-2017 was discussed under New Business, Item No. 1.

3. ♣CU-1-2017 – EMERSON DEVELOPMENT PARTNERS, LLC (MATT WILLIAMS)

Case CU-1-2017 was discussed under New Business, Item No. 1.

4. ♣V-2-2017 – GUY HARTFORD

Mr. Loring presented the staff report for Case V-2-2017. The applicant had requested a variance to allow an existing pool and screen enclosure to encroach 3.1 feet into the 10-foot rear setback in an RS-1, Single Family Residential District as established by Section 185.118(A)(3) of the Palm Bay Code of Ordinances. The board had to determine, based on the facts presented, the degree of minimal relief to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

The applicant was not present.

The floor was opened and closed for public comments, and there were no letters in the file.

Motion by Mr. Stroderd, seconded by Ms. Maragh to submit Case V-2-2017 to City Council for approval of a variance to allow an existing pool and screen enclosure to encroach 3.1 feet into the 10-foot rear setback in an RS-1, Single Family Residential District as established by Section 185.118(A)(3) of the Palm Bay Code of Ordinances. The motion carried with members voting unanimously

City Council would hear Case V-2-2017 on January 19, 2017.

5. T-3-2017 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Loring presented the staff report for Case T-3-2017. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.140, in order to permit off-site storage and parking lots. Staff recommended Case T-3-2017 for approval.

Mr. Stroderd asked if the unity of title requirement would allow a business with insufficient onsite parking to lease or purchase a detached property within 500 feet of their site. Mr. Loring explained how this was the amendment's purpose for purchased properties. However, the unity of title requirement was intended to prohibit the sale of detached lots in order to avoid creating a nonconformity to the parent properties.

Mr. Stroderd commented on the potential danger to pedestrians. Mr. Loring noted the provision that would ban off-site parking if an arterial roadway separated the lots under consideration.

Ms. Maragh and Mr. Stroderd questioned how the unity of title would apply to leasing a detached lot. Mr. Loring clarified that the unity of title requirement would not apply to leased lots. A detached property could, however, temporarily be used for supplemental parking for a leased parent parcel that met all onsite-parking requirements.

Mr. Weinberg noted that the detached sites were required to meet certain landscape requirements and be returned to their original state of condition if abandoned. Mr. Loring explained that the intent was so the temporary use of vacant, detached land would be restored to some manner of natural state once the parking use had ceased.

Mr. Stroderd asked if paving would be precluded from the off-site parking areas. Mr. Loring answered that the detached sites could be paved but must be restored if the parking use ceased. Gravel or geo-block would allow sites to naturally revert back to their previous state.

The floor was opened and closed for public comments, and there were no letters in the file.

Motion by Mr. Pezzillo, seconded by Mr. Stroderd to submit Case T-3-2017 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.140, in order to permit off-site storage and parking lots. The motion carried with members voting unanimously.

6. T-4-2017 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Loring presented the staff report for Case T-4-2017. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, in order to create Section 185.143, Lighting Standards. Staff recommended Case T-4-2017 for approval.

Mr. Pezzillo remarked on the manner in which the board typically added lighting conditions to projects. Mr. Loring stated that the existing code language for lighting was insubstantial.

Mr. Weinberg inquired about expanding the requested amendment to include lighting requirements within the sign code. Mr. Loring explained that the sign code dealt with size and placement of signage and not lighting performance. The required amendment would force commercial developers to consider higher standards of lighting so that adjacent properties would not be impacted.

Ms. Maragh asked if staff planned on providing a list of acceptable lights to developers. Mr. Loring commented that the standard for zero lumens at property lines would force developers to utilize more energy efficient designs and lighting. Developers would also be required to provide lighting and photometric plans that ensured zero lumens at property lines.

Mr. Stroderd questioned why high pressured sodium (HPS) lights were prohibited for building and security lighting; why low pressured sodium (LPS) lights were prohibited in all zoning districts; and if neon lights would be prohibited on building exteriors. Mr. Loring answered that HPS and LPS lighting were not as energy efficient as more recent lighting; LPS lights had a milky quality; and that prohibiting the outlining of buildings with neon, tracer, and strip lighting was to avoid the appearance of casinos along the corridors.

Mr. Pezzillo questioned why industrial districts were exempt from the lighting standards. Mr. Loring explained that industrial businesses had to meet certain levels and types of lighting standards required by the Occupational Safety and Health Administration (OSHA).

The floor was opened and closed for public comments, and there were no letters in the file.

Motion by Ms. Jordan, seconded by Mr. Stroderd to submit Case T-4-2017 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, in order to create Section 185.143, Lighting Standards. The motion carried with members voting unanimously.

7. T-5-2017 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Murphy presented the staff report for Case T-5-2017. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.066, 185.067, and 185.070, in order to update the Planned Unit Development (PUD) procedures and bonding requirements. Staff recommended Case T-5-2017 for approval.

Mr. Murphy stated that the proposed amendment would make PUD procedures and bond requirements consistent with like requirements found in the subdivision ordinance.

The floor was opened and closed for public comments, and there were no letters in the file.

Motion by Ms. Jordan, seconded by Mr. Stroder to submit Case T-5-2017 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.066, 185.067, and 185.070, in order to update the Planned Unit Development (PUD) procedures and bonding requirements. The motion carried with members voting unanimously.

OTHER BUSINESS:

There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 7:27 p.m.

Philip Weinberg, CHAIRMAN

Attest:

Chandra Powell, SECRETARY

♣Quasi-Judicial Proceeding.



DATE: February 1, 2017
CASE #: FS-2-2016

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

APPLICATION

PROPOSAL: The applicant is requesting Final Subdivision approval for a single family residential development within the RS-2, Single Family Residential District.

LOCATION: The property is located east of and adjacent to Gertrude Avenue SW, which is in the vicinity SW of the intersection of Malabar Road and Hurley Boulevard. Specifically, the property is Tract A, Port Malabar Unit 36, located in Section 03, Township 29 south, and Range 36 east.

APPLICANT: Eric Addington

SITE DATA

PRESENT ZONING: RS-2, Single Family Residential District

ACREAGE: 16.79 acres (+)

DENSITY: Maximum of Five (5) units per acre (UPA) allowed; 2.98 UPA proposed

ADJACENT ZONING

& LAND USE:

- N** -- RS-2, Single Family Residential District; Single Family Dwellings
- E** -- RS-2, Single Family Residential District; City Drainage Right-of-Way
- S** -- RS-2, Single Family Residential District; Single Family Dwellings
- W** -- RS-2, Single Family Residential District; Gertrude Avenue SW

WATER & SEWER: City Water & Sewer Available and Required

FLOOD ZONE: X, area outside the 500 year flood zone

**COMPLIANCE WITH THE
COMPREHENSIVE PLAN:** Yes

BACKGROUND:

1. The property is located east of and adjacent to Gertrude Avenue SW, which is in the vicinity SW of the intersection of Malabar Road and Hurley Boulevard. Specifically, the property is Tract A, Port Malabar Unit 36, located in Section 03, Township 29 south, and Range 36 east. The subject property includes approximately 16.79 acres of land, more or less.
2. The current zoning is RS-2, Single Family Residential District and the property is surrounded by RS-2 Zoning on all sides. Adjacent land uses include Gertrude Avenue to the west and a City Drainage Right-of-Way to the east. To the north and south are single family lots, roughly half of which are developed with homes.
3. The applicant is requesting final subdivision approval to allow construction of a single-family residential subdivision within the RS-2 District. The proposed name of the subdivision is Sanibel Cove and the community will contain 50 lots. The applicant for this request is Eric Addington.

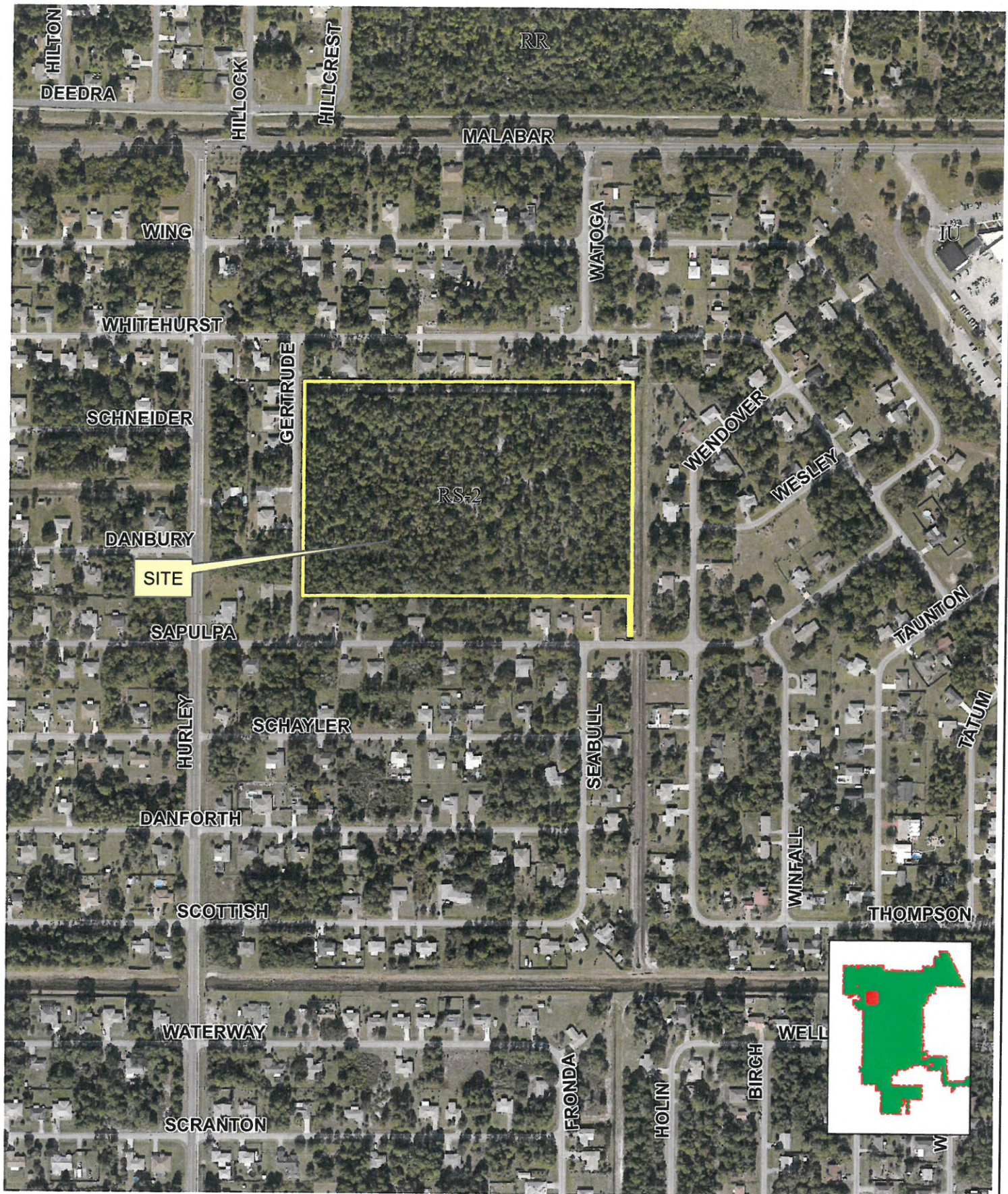
ANALYSIS:

1. All 50 lots are designed to be accessed from an internal roadway, which has been engineered to meet the city's construction standards. No lots will have direct access to Gertrude Avenue, or any of the existing roads that are adjacent to the project. Entrance to the subdivision will be at the mid-point along the property's frontage on Gertrude and the interior road will loop the stormwater treatment pond. This pond, located in the center of the subdivision, is a two-stage system that will outfall to the City Ditch along the east side of the project.
2. The land is permitted a maximum density of five (5) units per acre, per the City of Palm Bay's Comprehensive Plan. However, the development is only proposing a density of 2.98 units per acre. The minimum lot size in the RS-2 Zoning District is 75' wide by 100' deep. The proposed lots exceed these parameters. Additionally, the plat proposes landscape tracts (C & D) that flank the entrance.
3. Sanibel Cove will contain a sewer lift station in the extreme northwest corner of the site. It is labeled as "Tract B" and is being dedicated to the City for ownership and maintenance. Access to the lift station will be from Gertrude Avenue. City water and sewer will loop the block and be provided to each lot. The water and sewer lines will be extended south from Malabar Road.
4. In order to receive Final Subdivision approval, the proposal must meet the requirements of Chapter 184 of the City of Palm Bay's Code of Ordinances. Upon review, it appears that the request is in conformance with the applicable requirements of this chapter, subject to the following being addressed prior to City Staff signing the Mylar:

- A. The boundary and title opinion shall be approved by the City Surveyor.
- B. A signed & sealed topographic survey is required for review and approval.
- C. Deed restrictions governing development standards shall be approved by city staff.
- D. The road name of 'Sanibel Cove Circle SW' Bayridge Circle shall be submitted to Brevard E-9-1-1 for review.
- E. Mitigation of the existing exceptional specimen trees must be completed.
- F. Lot 21 includes a 10-foot wide portion of land that connects to Sapulpa Road. This portion of the lot shall be labeled as an Open Space Tract and dedicated to the Homeowners' Association.
- G. The term "utility" shall be added to the "existing 10' drainage easement" label on the north boundary existing ditch regrading cross-sections.
- H. The width of the proposed 20' drainage easement along the north boundary existing ditch regrading cross-sections shall be increased so that the entire ditch (TOB to TOB) is included within the easement.
- I. A School Concurrency Letter shall be obtained.
- J. Prior to the issuance of any building permits, the Construction Plans must be granted administrative staff approval.

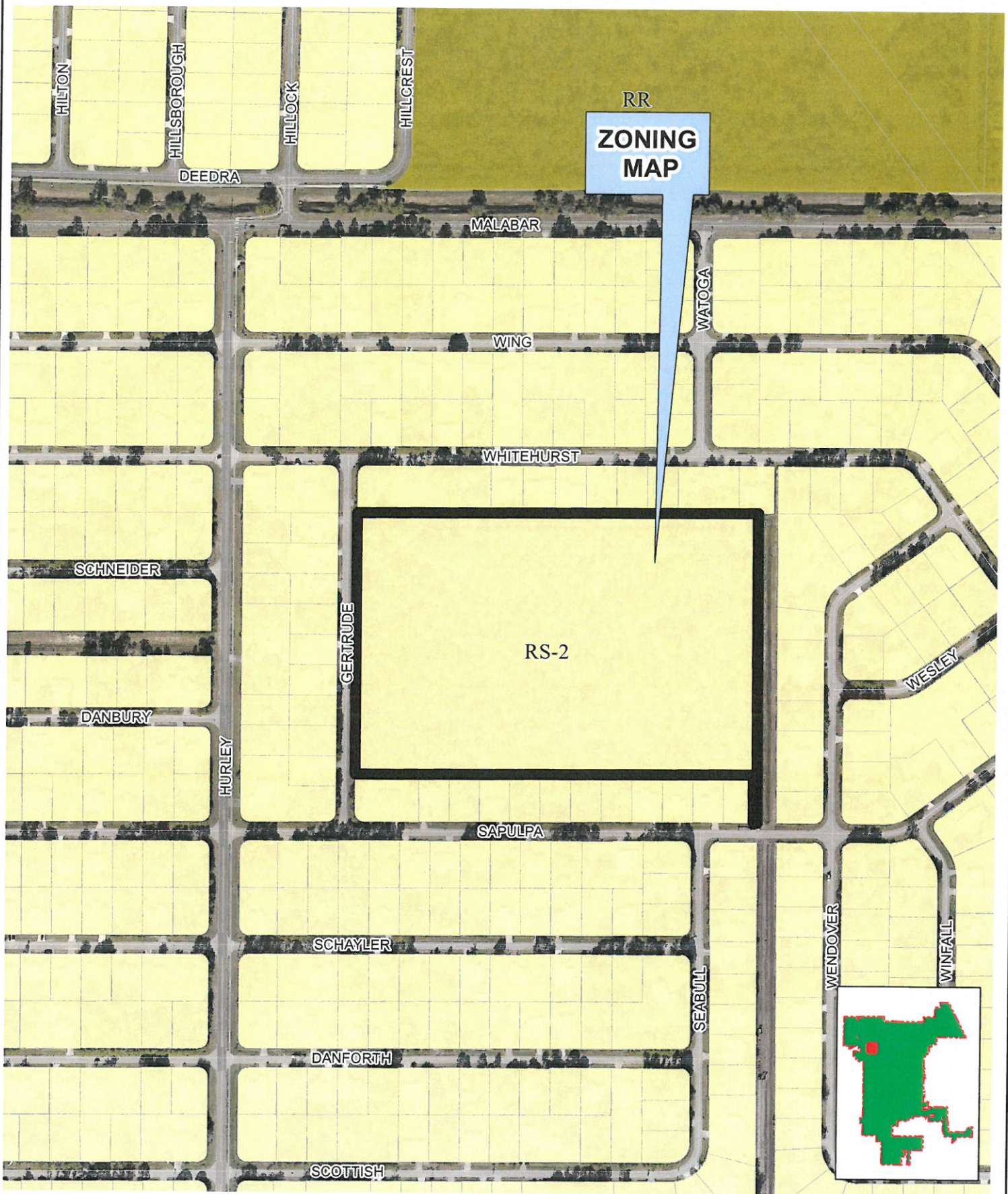
STAFF FINDINGS:

Case No. FS-2-2016 is recommended for approval subject to the staff comments contained in this report.



Map for illustrative purposes only. Not to be construed as binding or as a survey.

LOCATION MAP FS-2-2016



Map for illustrative purposes only. Not to be construed as binding or as a survey.

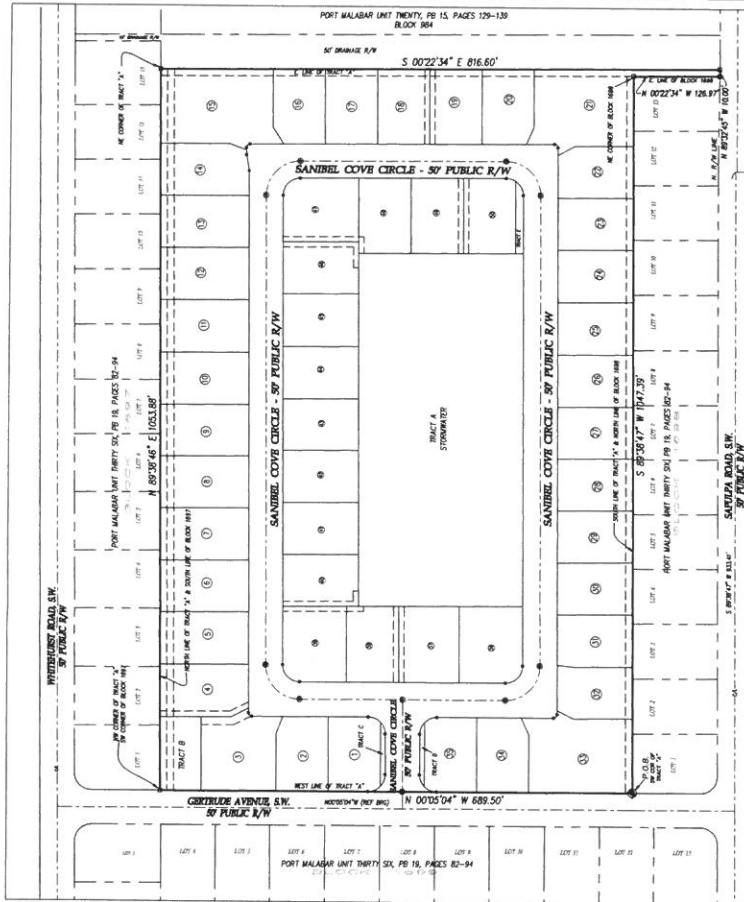
Map created by the Land Development Division



CASE NO. FS-2-2107

PLAT BOOK _____ PAGE _____

SECTION 3 TWP. 29 S., RANGE 36 E.



1. TRACT "A" IS HEREBY DEDICATED TO THE SAMUEL COVE HOMEOWNERS ASSOCIATION, INC. FOR THE PURPOSE OF STORM WATER MANAGEMENT AND DRAINAGE CONVEYANCE. IT SHALL BE OWNED AND MAINTAINED BY THE SAMUEL HOMEOWNERS ASSOCIATION, INC.

2. TRACT "B" IS HEREBY DEDICATED TO THE CITY OF PALM BEACH FOR THE PURPOSE OF A CITY WASTEWATER TREATMENT PLANT STATION. IT SHALL BE OWNED AND MAINTAINED BY THE CITY OF PALM BEACH.

3. TRACTS "C" AND "D" ARE HEREBY DEDICATED TO THE SAMUEL COVE HOMEOWNERS ASSOCIATION, INC. FOR THE PURPOSE OF LANDSCAPE AND SIGNAGE. THEY SHALL BE OWNED AND MAINTAINED BY THE SAMUEL COVE HOMEOWNERS ASSOCIATION, INC.

4. TRACT "E" IS HEREBY DEDICATED TO THE SAMUEL COVE HOMEOWNERS ASSOCIATION, INC. FOR THE PURPOSE OF LANDSCAPE. IT SHALL BE OWNED AND MAINTAINED BY THE SAMUEL COVE HOMEOWNERS ASSOCIATION, INC.

5. AN EASEMENT 10.00 FEET IN WIDTH ADJACENT TO THE PUBLIC ROAD RIGHT OF WAY DEDICATED WITHIN THIS PLANS PLAT, IS HEREBY DEDICATED ALONG THE FRONT OF ALL LOTS AND TRACTS FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AND DRAINAGE IMPROVEMENTS.

6. AN EASEMENT 10.00 FEET IN WIDTH IS DEDICATED ALONG THE EAST SIDE OF LOTS 15-21 FOR THE PURPOSE OF INSTALLATION OF PUBLIC UTILITIES AND DRAINAGE AND SHALL BE MAINTAINED BY THE CITY OF PALM BEACH.

7. AN EASEMENT 9.00 FEET IN WIDTH IS RESERVED ALONG THE NORTH PORTION OF LOTS 4-15 FOR THE PURPOSE OF PROVIDING DRAINAGE AND EASEMENT BEING DEDICATED TO AND MAINTAINED BY THE SAMUEL COVE HOMEOWNERS ASSOCIATION, INC.

8. AN EASEMENT 12.00 FEET IN WIDTH IS DEDICATED ALONG THE EAST PORTION OF LOT 3 FOR THE PURPOSE OF THE INSTALLATION AND MAINTENANCE OF SEWER.

9. AN EASEMENT 8.00 FEET IN WIDTH IS DEDICATED ALONG THE WEST PORTION OF LOT 4 FOR THE PURPOSE OF THE INSTALLATION AND MAINTENANCE OF SEWER.

10. THE BAGGS OF BEGINNERS IS THE CENTER LINE OF GOLFPOLE AVENUE, S.W. AS BEING N. 00°15'34" W. AS BEING PLAT OF TRACT CORNELL UNIT THIRTY SIX, RECORDED IN PLAT BOOK 17, PAGE 32-36.

11. LOT 1 OF TRACT CORNELL SHALL BE MONUMENTED IN ACCORDANCE WITH FLORIDA STATUTE 177.081 (8)(9).

12. PUBLIC UTILITY CONDUITS DEDICATED HEREON SHALL BE FOR THE INSTALLATION, CONSTRUCTION, INSTALLATION, OPERATION AND MAINTENANCE OF ELECTRIC POWER FACILITIES AND CABLE TELEVISION. HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION OR POWERLINES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS OR ANY OTHER PUBLIC UTILITY IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITY OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR DAMAGES.

13. LOT 21 MAY NOT HAVE VEHICLE ACCESS TO SANFUELA ROAD.

14. FRONT BUILDING SETBACKS SHALL BE 25.0 FEET. REAR BUILDING SETBACKS SHALL BE 25.0 FEET. SIDE BUILDING SETBACKS SHALL BE 40 FEET. FRONT YARD SETBACKS SHALL BE 25.0 FEET ONLY. REAR YARD SETBACKS ARE CONTIGUOUS TO THE RIGHT OF WAY.

NOTE: THIS PLAT IS RECORDED IN ITS GRAPHIC FORM IN THE PUBLIC RECORDS OF THE COUNTY OF LOS ANGELES. THE PLAT IS NOT TO BE USED TO SURVEY LANDS DESCRIBED HEREIN AND WILL IN NO MANNER BE CONSIDERED AN AUTHORITY FOR ANY OTHER GRAPHIC OR DOCUMENTARY PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS ON THE PLAT WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

Kane Surveying, Inc.
 50% DISTRIBUTION OFFICE
 10000 LAKESHORE DRIVE, SUITE 100
 LOS ANGELES, CA 90048
 (213) 739-7839

PREPARED BY:
 KANE SURVEYING, INC.
 10000 LAKESHORE DRIVE, SUITE 100
 LOS ANGELES, CA 90048
 (213) 739-7839

Kane Surveying, Inc.
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(321) 678-0427 FAX (321) 984-1448

[illegible]

CERTIFICATE OF CLERK

City of

Clerk

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Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
Landdevelopment@palmbayflorida.org

FINAL SUBDIVISION APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida, unless otherwise stated.

- 1) NAME OF APPLICANT (Type or print) Eric Addington
ADDRESS 5145 Sawgrass Ave.
CITY Merritt Island STATE FL ZIP 32953
PHONE # 321-960-2159 FAX # _____
E-MAIL ADDRESS eaddington58@gmail.com
- 2) NAME OF PROPOSED SUBDIVISION: SANIBEL COVE
- 3) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION:
Tract A Port Malabar Unit 36, per plat recorded in plat book 19, pages 82-94, Brevard Co, FL.
SECTION 3 TOWNSHIP 29 RANGE 36
- 4) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 16.738
- 5) HIGHWAY, STREET BOUNDARIES, AND NEAREST CROSSROADS: Gertrude Ave. and
Whitehurst Rd.
- 6) INTENDED USE OF PROPERTY: 55 single family residential lots
- 7) ZONE CLASSIFICATION AT PRESENT (ex.: LI, CC, etc.): RS-2
- 8) THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:
☒ *\$800.00 Application Fee. Make check payable to "City of Palm Bay."
☒ Six (6) copies of the final plat and six (6) copies of the required construction plan as required by Chapter 184, Palm Bay Code of Ordinances. The final plat shall also be provided in PDF format.
☒ List of all adjacent property owners and property owners directly opposite of the proposed subdivision. Such information shall be obtained from the most recent County tax rolls. (This can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at www.brevardpropertyappraiser.com) List shall be legible and the source of that information stated here: Brevard County prepared it
Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.

CITY OF PALM BAY, FLORIDA
FINAL SUBDIVISION APPLICATION
PAGE 2 OF 2

____ WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE FINAL PLAT APPROVAL.

____ IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY, AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FINAL SUBDIVISION APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant

Erin Addington

Date 8/3/2016

Printed Name of Applicant

Erin Addington

*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY



DATE: January 4, 2017
CASE #: CP-1-2017

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

COMPREHENSIVE PLAN AMENDMENT APPLICATION

PROPOSAL: Amend the Comprehensive Plan Future Land Use Map from Single Family Residential Use to Commercial Use.

LOCATION: The subject property is located east of and adjacent to Cascade Avenue SE, approximately 265 feet south of Malabar Road. Specifically, Lots 6 & 7, Block 304, of Port Malabar Unit 9, Section 5, Township 29 South, Range 37 East, Brevard County, Florida.

APPLICANT: Emerson Development Partners, LLC. (Matt Williams, Manager)

SITE DATA

PRESENT ZONING: RS-1, Single Family Residential

**LAND USE
DESIGNATION:** Single Family Residential Use

ACREAGE: 0.48 Acres +/-

ADJACENT ZONING

& LAND USE:

- N** -- RC, Restricted Commercial District; Vacant Lot
- E** -- RC, Restricted Commercial District; Lifestyle Homes Office
- S** -- RS-1, Single Family Residential District; Vacant Land
- W** -- RS-1, Single Family Residential District; Cascade Avenue SE

BACKGROUND:

1. The subject property is located east of and adjacent to Cascade Avenue SE, approximately 265 feet south of Malabar Road. Specifically, Lots 6 & 7, Block 305, of Port Malabar Unit 9, Section 5, Township 29 South, Range 37 East, Brevard County, Florida.
2. The adjacent zoning and land uses are as follows:

<u>NORTH:</u>	RC, Restricted Commercial District; Vacant Lot
<u>EAST:</u>	RC, Restricted Commercial District; Lifestyle Homes Office
<u>SOUTH:</u>	RS-2, Single Family Residential District; Vacant Land
<u>WEST:</u>	(Across Cascade) RS-1, Single Family Residential District; Single Family Homes
3. The applicant is requesting a small-scale Comprehensive Plan Future Land Use Map Amendment to change from Single Family Residential Use to Commercial Use. The applicant for this request is Matt Williams, Representative for Emerson Development Partners, LLC.

ANALYSIS:

Availability of Public Facilities and Services:

Potable Water: Provided by the City of Palm Bay

Sanitary Sewer: Provided by the City of Palm Bay

Solid Waste: Provided by Waste Management

Parks & Recreation: Commercial Use has no effect on the parks & recreation level of service standards, nor does it place any demand on such services.

Drainage: The lots are presently vacant and in their natural state. A stormwater drainage system will be required for development and approved by the St. Johns River Water Management District. This system will also be reviewed by the city and approved during the administrative site plan review process.

Transportation: The applicant intends to develop these two (2) lots in conjunction with the seven (7) lots that abut to the north and east. The future commercial development will consist of a Wa Wa Neighborhood Market. As part of the conditional use process required for this development, city staff is requiring a traffic study to be submitted during the administrative site plan review process. Any impact to the adjacent road network will be reviewed at that time and mitigated through the design of the site.

Public Schools: Commercial Use has no impact on the public school system.

Environmental Resources:

Future use will require review and compliance with all relevant City regulations, including environmental review, as may be required.

Coastal High Hazard Zone:

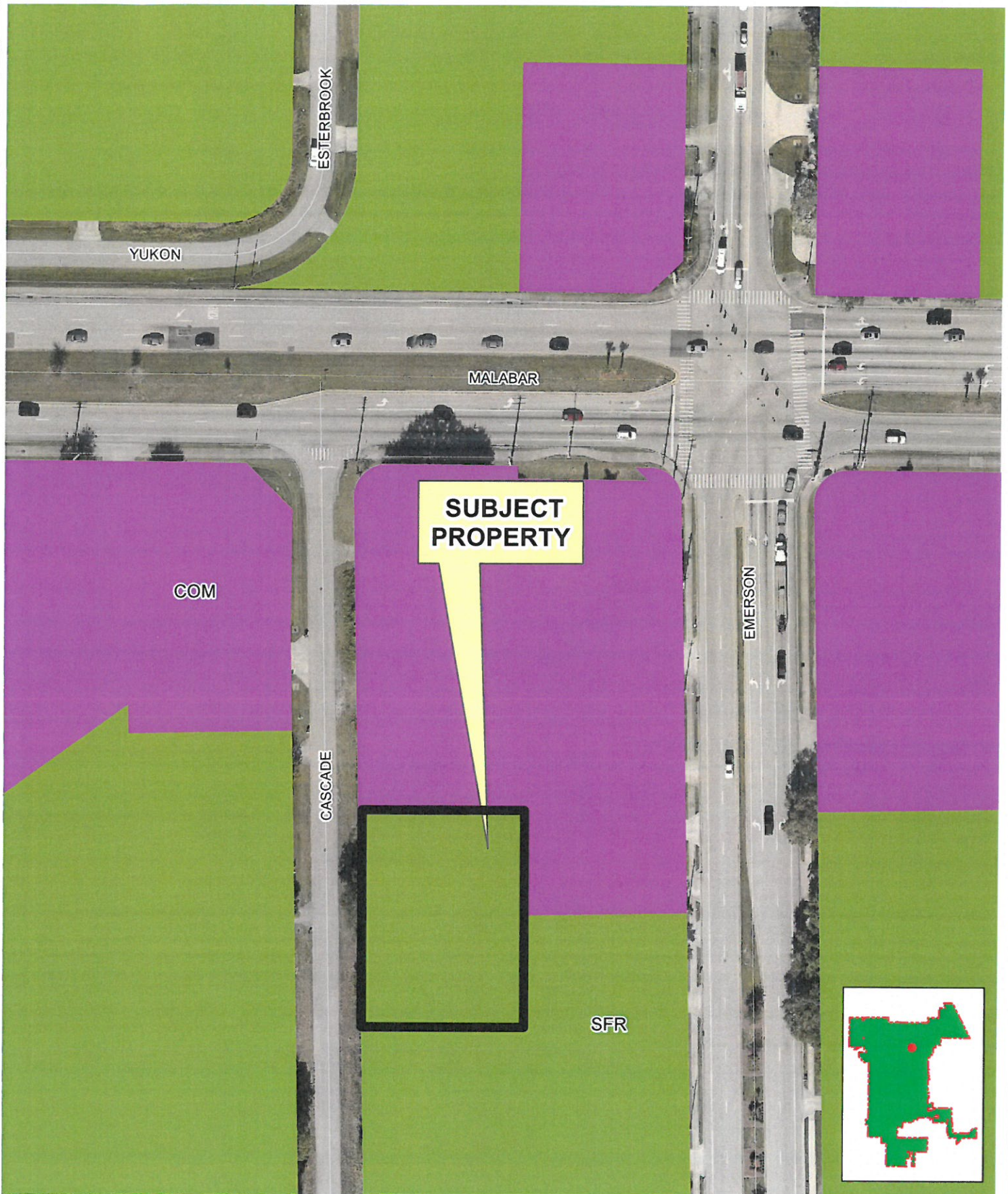
The subject property is not located within the Coastal High Hazard Zone or the current surge area.

Historic Resources:

There is no Florida Master Site File for any historic resources on the property.

STAFF CONCLUSION:

Motion to approve Case No. CP-1-2017, pursuant to Chapter 163, Florida Statutes.

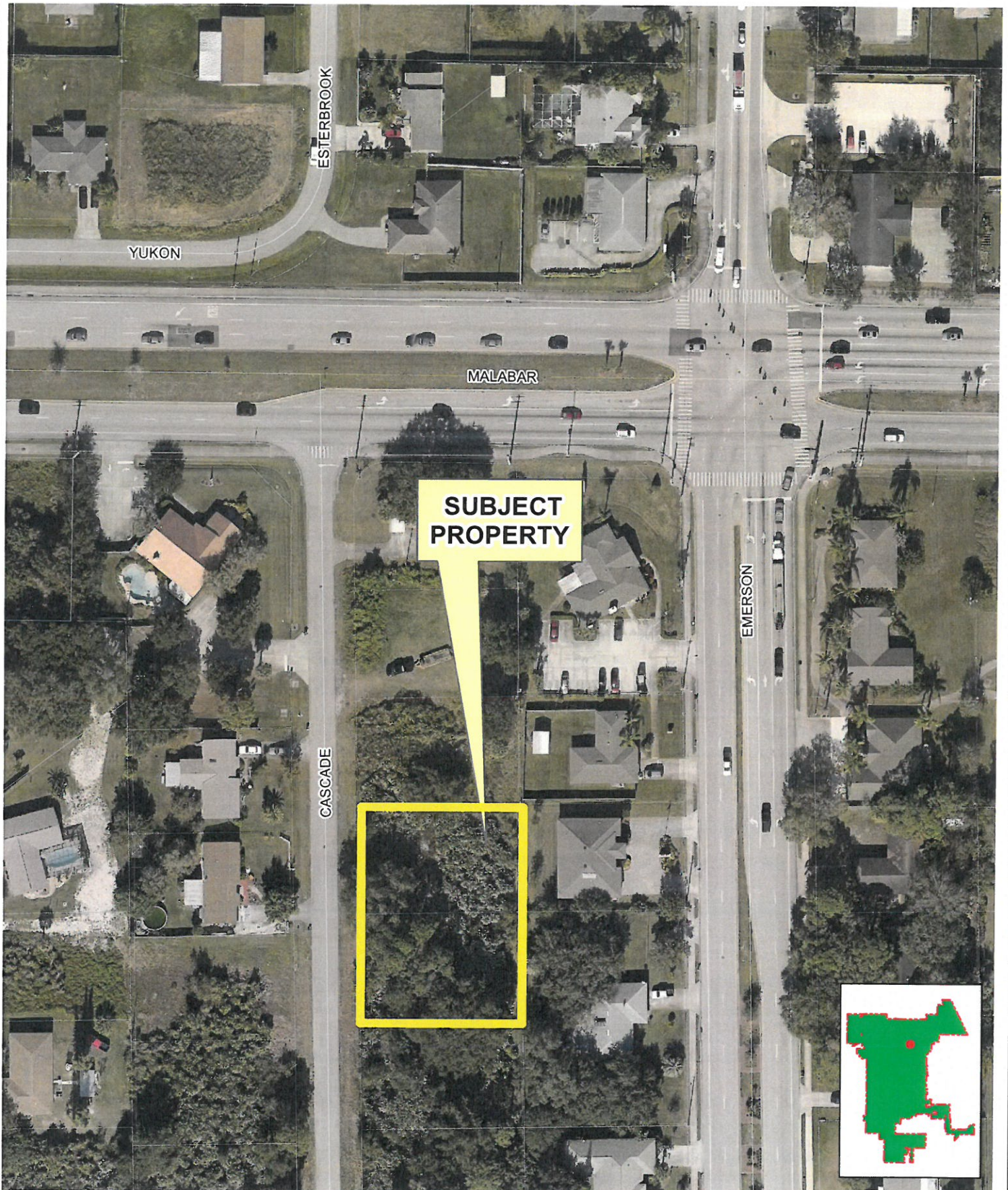


Map for illustrative purposes only. Not to be construed
as binding or as a survey.

Map created by the Land Development Division



CASE NO. CP-1-2017



Map for illustrative purposes only. Not to be construed
as binding or as a survey.

Map created by the Land Development Division



CASE NO. CP-1-2017



Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
Landdevelopment@palmbayflorida.org

COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

- 1) NAME OF APPLICANT (Type or print) Emerson Development Partners, LLC
ADDRESS 7331 Office Park Place, Suite 200
CITY Viera STATE Florida ZIP 32940
PHONE # 321-428-4424 FAX # _____
E-MAIL ADDRESS matt.williams@matthewdev.com
- 2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION _____
Lots 6 and 7 of block 304 per PB 15, PG 3 - Port Malabar unit nine. PID: 29-37-05-GJ-304-7 and
29-37-05-GJ-304-6
SECTION 29 TOWNSHIP 37 RANGE 05
- 3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): ± 0.48 ac.
- 4) LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.): SFR, Single Family Residential
- 5) LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE: Commercial

- 6) PRESENT USE OF THE PROPERTY: Vacant/Undeveloped
- 7) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY: No
- 8) HAS A REZONING APPLICATION BEEN FILED IN CONJUNCTION WITH THIS APPLICATION:
Yes

(If no rezoning application is filed, the City must assume the maximum impact permissible by the land use classification desired. Impacts to transportation facilities, water and sewer facilities, drainage, recreation facilities, and solid waste must be examined and justified before acceptance by the Florida Department of Economic Opportunity and the City of Palm Bay.)

CITY OF PALM BAY, FLORIDA
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION
PAGE 2 OF 3

- 9) JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary): _____

See Attached.

- 10) SPECIFIC USE INTENDED FOR PROPERTY: _____

As part of a larger assemblage of ± 2.05 ac, the subject property is necessary for the construction of a Wawa Neighborhood Market with gas.

- 11) THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP:

☒ *Application Fee. Make check payable to "City of Palm Bay."

☐ Large Scale Map Amendment (10 acres or more) \$1,600.00 ☐ Text Amendment (Comp. Plan) \$1,600.00

☒ Small Scale Map Amendment (Less than 10 acres) \$1,000.00 ☐ Special Amendment Cycle \$4,000.00

☒ Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)).

_____ A listing of legal descriptions (for land use amendments) of all properties within a 500 foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at www.bcpao.us/paohome.asp). List shall be legible and the source of that information stated here: _____

_____ Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guidelines.

_____ WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT.

☒ IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

**CITY OF PALM BAY, FLORIDA
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION
PAGE 3 OF 3**

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE LOCAL PLANNING AGENCY, AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant



Date 12-1-16

Printed Name of Applicant

Matt Williams of Emerson Development Partners, LLC

*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY

FUTURE LAND USE MAP AMENDMENT - SUPPLEMENTAL

JUSTIFICATION FOR CHANGE

The subject property is located approximately one mile west of the I-95 interchange at the southwest corner of the Malabar Road / Emerson Drive signalized intersection. Within the vicinity of the subject property, the development pattern along the south side of Malabar Road transitions from several big box retailers and intensive highway commercial uses to the east to professional offices and eventually single family homes further to the west. The recent development trends continue to indicate a high demand for commercial businesses along Malabar Road. In addition to the intensive commercial hub at the interchange, existing and newly developed commercial uses along the south side of the corridor include fast food restaurants, gas stations, urgent care medical facilities, and multi-tenant neighborhood commercial centers.

REQUEST:

The subject of this land use map amendment application consists of two vacant / undeveloped lots totaling 0.48 acres in size. The proposed land use amendment from SFR to COM is necessary to assemble with the adjacent 6 lots to the north and northeast that are currently designated Commercial. In total the ±2.05 acre project is adequate to support a proposed Wawa Neighborhood Market with gas.

PROJECT DESCRIPTION:

Wawa is a family owned business offering a highly desirable alternative to traditional “gas stations” with affordable quality deli options, fresh, built-to-order foods, beverages, coffee, no surcharge ATMs and free air dispenser. The winner of the 2013 Beautification Award in Orlando, Wawa is proud to be recognized for its continued commitment to enhancing the community environment through litter prevention, waste reduction and recycling, and beautification. The building and site design includes extensive windows along the façade and dual frontage accessibility. These intentional site designs along with an average of 40 part time and full time employees per store collectively provide a safe and clean environment for customers and employees.

JUSTIFICATION:

Consistency

The proposed land use amendment is consistent with the adjacent properties to the north / northeast / northwest and is generally consistent with the Commercial land use pattern along the south side of Malabar Road.

Compatibility

Within the vicinity of the subject property, Malabar Road is a 4 lane divided arterial highway with a grassed center median and dedicated turn lanes with signalized intersections. Similarly, Emerson Drive to the east is a four lane divided roadway with a raised / grassed center median and dedicated turn lanes.

Most recently, a Cumberland Farms and a Dunkin Donuts were developed immediately east of the subject property. Traffic volumes in the area, improved properties, established development patterns and emerging development trends, indicate a more intensive commercial use of the property would be consistent and compatible with the adjacent properties along Malabar Road corridor.

Market Area

A Wawa Neighborhood Market is complimentary and compatible with the current land use pattern and existing mix of uses along the corridor. A general evaluation of the area indicates a significant retail opportunity for a neighborhood serving market with fresh food, beverages and general merchandise consistent with the market demands serving the local residents and workforce within the City of Palm Bay.

***Infill /
Redevelopment***

Infill redevelopments include assembling sites, providing employment, and supporting a cohesive infrastructure system. There are several reasons to support redevelopment of the subject property specifically for the Wawa Neighborhood Market use:

- The subject property is part of an assemblage of underutilized sites.
- As platted, the physical size of the individual parcels is inadequate to support the development demands of modern commercial uses along the corridor.
- The proposed infill redevelopment will bring the property substantially within code including access, setbacks, signage, and landscaping, which collectively will significantly improve the aesthetics of the property and enhance economic development in the area.
- Wawa prides itself on being part of the neighborhood community and providing a clean and safe place to shop.

SUMMARY:

The proposed land use amendment from SFR, Residential to COM, Commercial is consistent and compatible with the commercial development pattern along the Malabar Road corridor. Additionally, the intended Wawa Neighborhood Market use provides a logical, cohesive and efficient development opportunity for the subject property consistent with the intent of infill redevelopment.

Thank you for your consideration.

Wawa – Emerson & Malabar

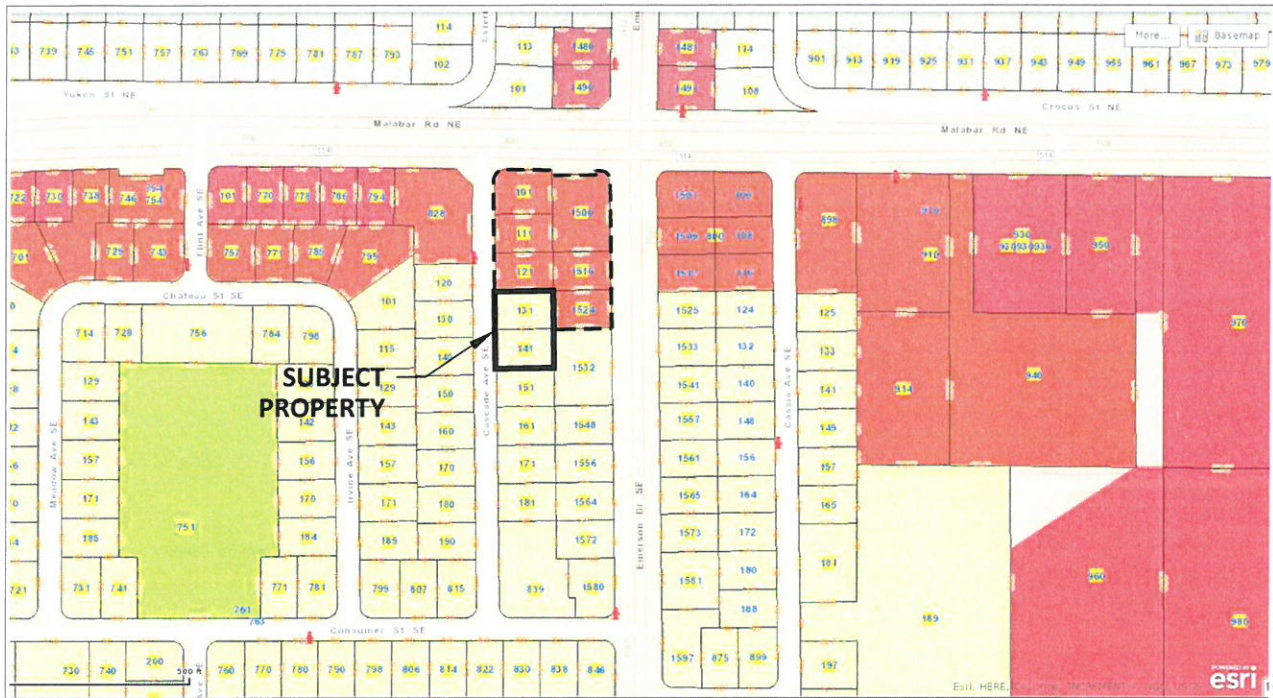
Subject Property:

The subject of the Comprehensive Plan – Future Land Use Map Amendment is comprised of the following two parcels:

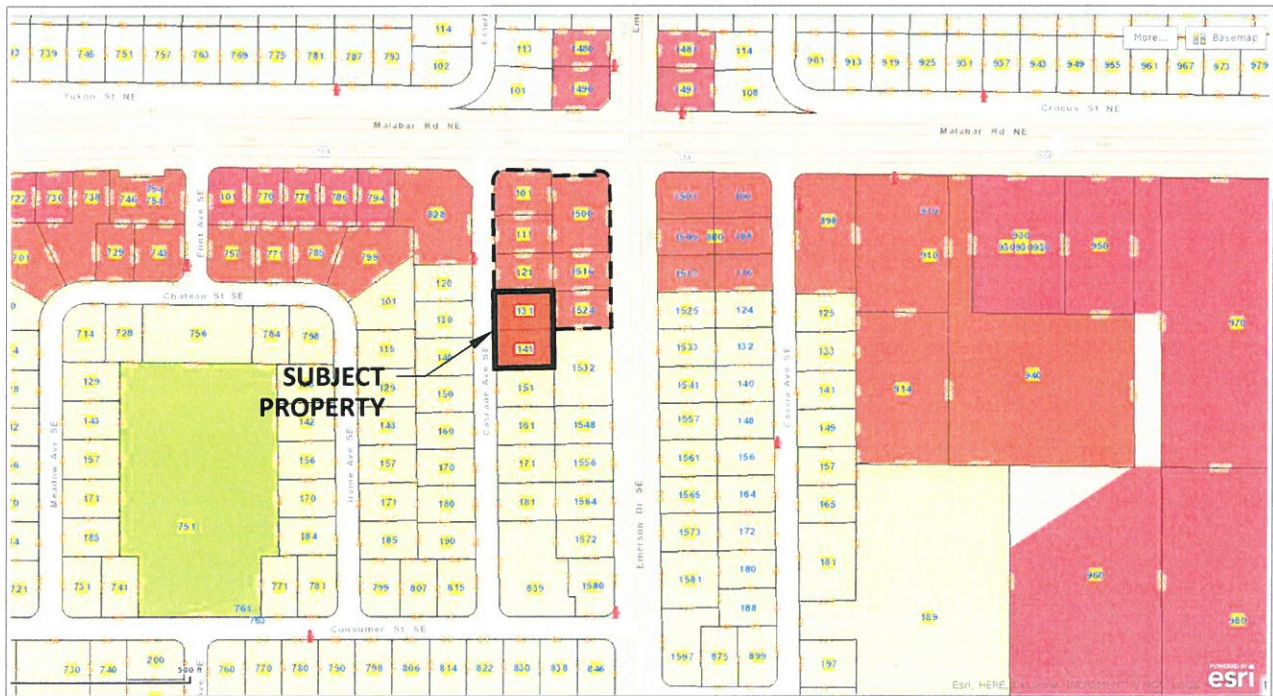
Current Owner	Current Use	Address	Parcel ID
CLS Investment of Brevard Co.	Vacant	131 Cascade Ave.	29-37-05-GJ-304-7*
Kris Sarabjit	Residence	141 Cascade Ave.	29-37-05-GJ-304-6*

*Subject to rezoning under separate cover.

FUTURE LAND USE MAP - EXISTING: SFR, RESIDENTIAL



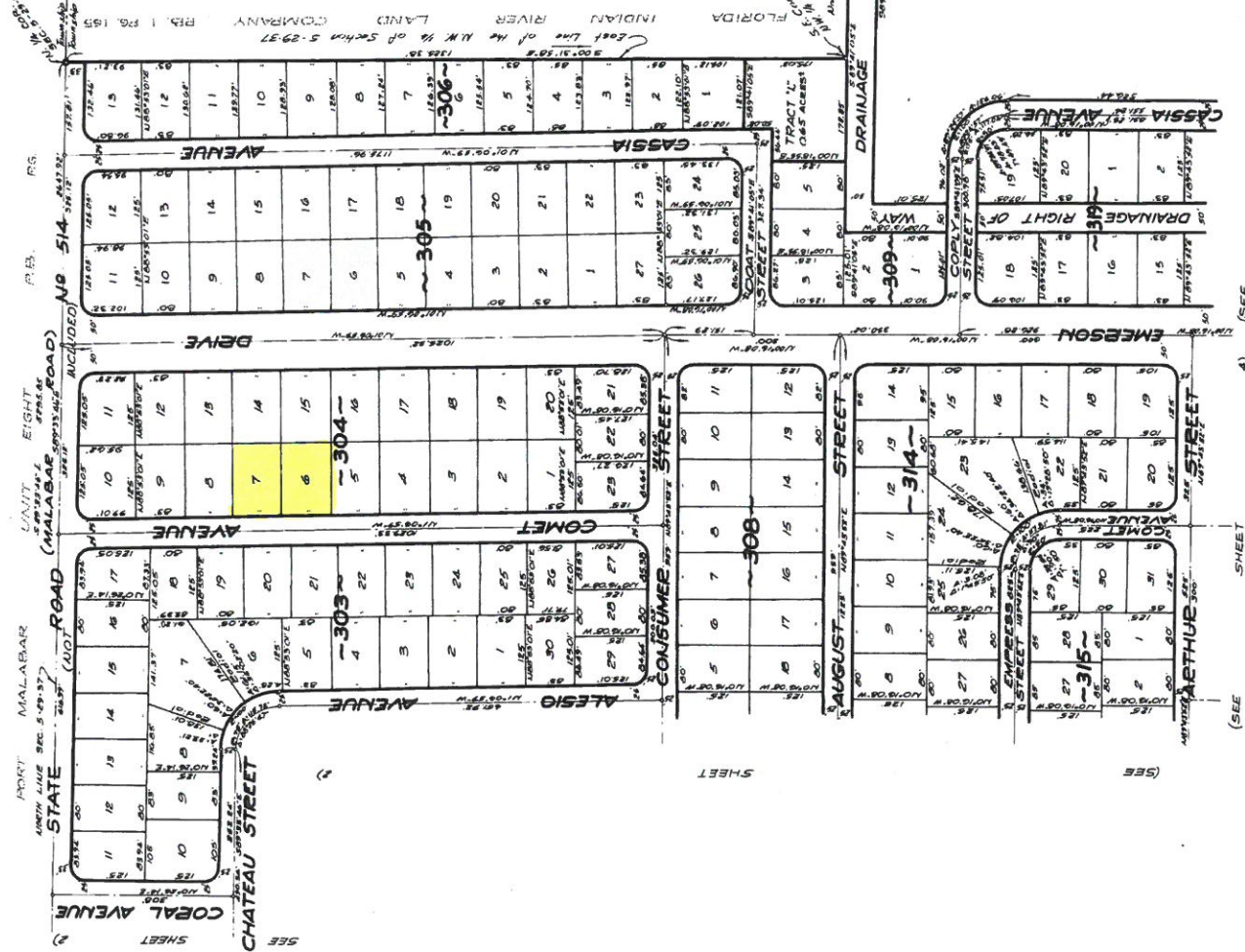
FUTURE LAND USE MAP - PROPOSED: CCM, COMMERCIAL



PORT MALABAR **UNIT NINE**

PLAT BOOK 15
PAGE 3

A RESUBDIVISION OF PORTIONS OF THE
FLORIDA INDIAN RIVER LAND COMPANY,
PLAT BOOK 1, PAGE 185, IN SECTIONS 4, 5 AND 6,
TOWNSHIP 29 SOUTH, RANGE 37 EAST,
CITY OF PALM BAY,
BREVARD COUNTY, FLORIDA



SEPTEMBER - 1961

0 100 200 300

ARTHUR L. DAY
CIVIL ENGINEER
MIAMI - FLORIDA

SHEET

(SEE SHEET 4)

(SEE SHEET 3)

CALCULATED BY: R.C.
DRAWN BY: S.P.
APPROVED BY: C.M.

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

APPLICATION

PROPOSAL: A rezoning from the RS-1, Single Family Residential and RC, Restricted Commercial Zoning Districts to the CC, Community Commercial Zoning District.

LOCATION: The subject property is located at the SW corner of Malabar Road SE and Emerson Drive SE. Specifically, Lots 6-14, Block 304, of Port Malabar Unit 9, Section 5, Township 29 South, Range 37 East, Brevard County, Florida.

APPLICANT: Emerson Development Partners, LLC. (Matt Williams, Manager)

SITE DATA

PRESENT ZONING: RS-1, Single Family Residential and RC, Restricted Commercial Districts

ACREAGE: 2.05 acres (\pm)

DENSITY: Not Applicable

ADJACENT ZONING & LAND USE:

N	-- RC, Restricted Commercial District; Malabar Road
E	-- RC, Restricted Commercial District; Emerson Drive
S	-- RS-1, Single Family Residential District; Single Family Homes
W	-- RS-1, Single Family Residential and RC, Restricted Commercial Districts; Cranbrook Avenue

WATER & SEWER: City Water & Sewer Available and Required

FLOOD ZONE: X, Area outside the 500-year flood zone

**COMPLIANCE WITH THE
COMPREHENSIVE PLAN:** Yes, Subject to Case No. CP-1-2017

BACKGROUND:

1. The subject property is located at the SW corner of Malabar Road SE and Emerson Drive SE. Specifically, Lots 6-14, Block 304, of Port Malabar Unit 9, Section 5, Township 29 South, Range 37 East, Brevard County, Florida.
2. The adjacent zoning and land uses are as follows:

<u>NORTH:</u>	RC, Restricted Commercial District; Malabar Road
<u>EAST:</u>	RC, Restricted Commercial District; Emerson Drive
<u>SOUTH:</u>	RS-1, Single Family Residential District; Single Family Homes
<u>WEST:</u>	RS-1, Single Family Residential and RC, Restricted Commercial Districts; Cranbrook Avenue

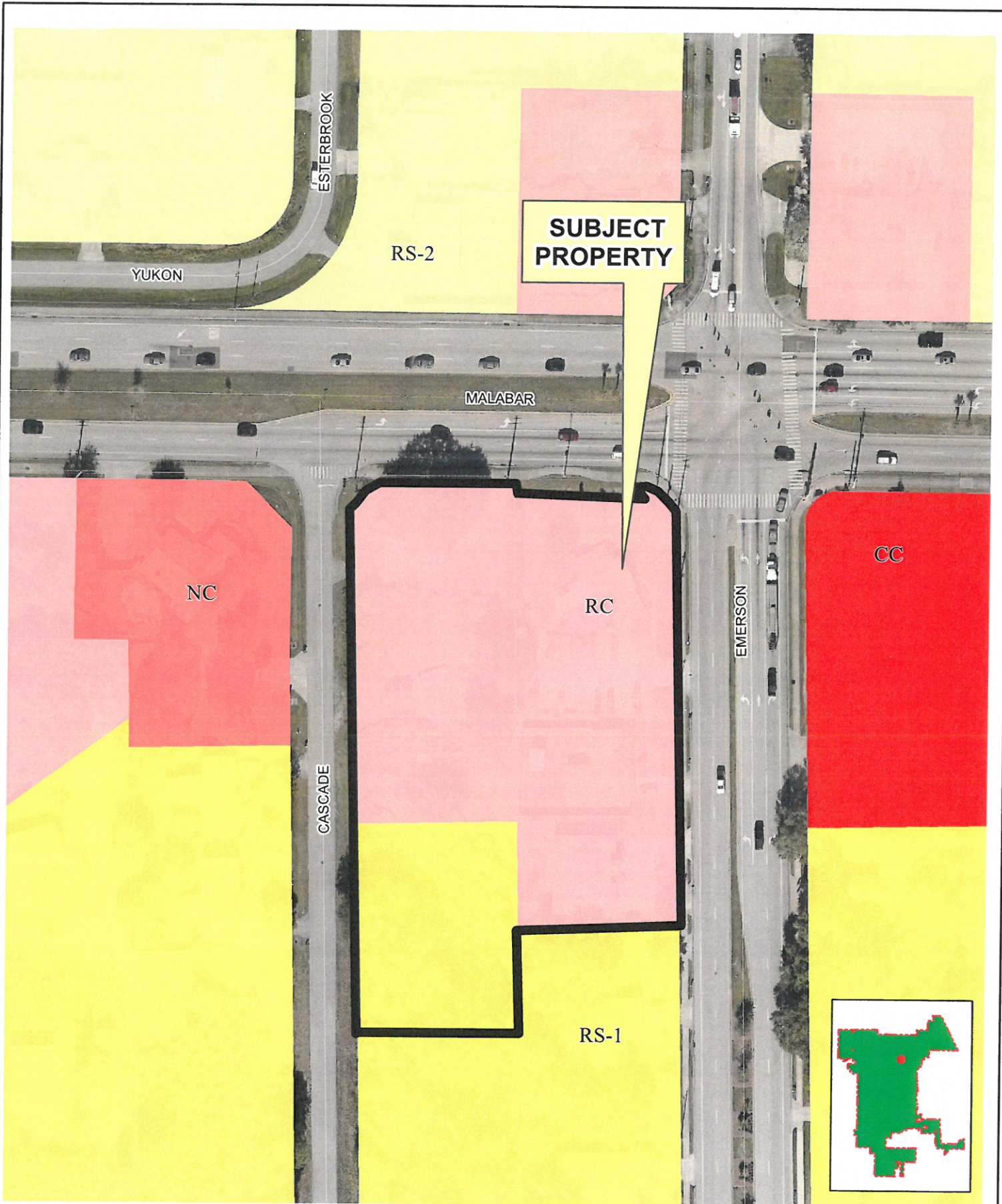
3. A rezoning from the RS-1, Single Family Residential and RC, Restricted Commercial Zoning Districts to the CC, Community Commercial Zoning District, is requested. The applicant for this request is Matt Williams of Emerson Development Partners, LLC. The size of the property is 2.05 acres.

ANALYSIS:

1. The purpose of the community commercial district is to establish areas within the city, which are uniquely suited for the development and maintenance of community commercial facilities. These areas are to be primarily located in or near the intersection of arterial roadways; and to designate those uses and services deemed appropriate and for development within the subject district.
2. The subject property is located at the SW corner of Malabar Road SE and Emerson Drive SE. On the Palm Bay Comprehensive Plan, Emerson Drive is designated as a Major Collector Roadway and Malabar is designated as an Arterial Roadway. Emerson is a 4-laned road with a divided median, capable of handling large amounts of traffic. Malabar Road east of the intersection is a 6-lane roadway and a 4-lane roadway west of the intersection. Both segments contain raised medians. With such a high traffic trip count at this intersection, the corner properties warrant a higher commercial designation.

STAFF RECOMMENDATION:

Case No. CPZ-1-2017 is recommended for approval in order to be consistent and compatible with the Future Land Use designation approved via Case No. CP-1-2017.

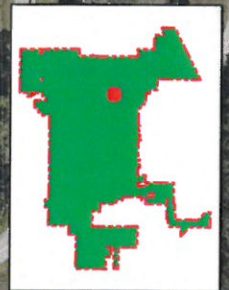
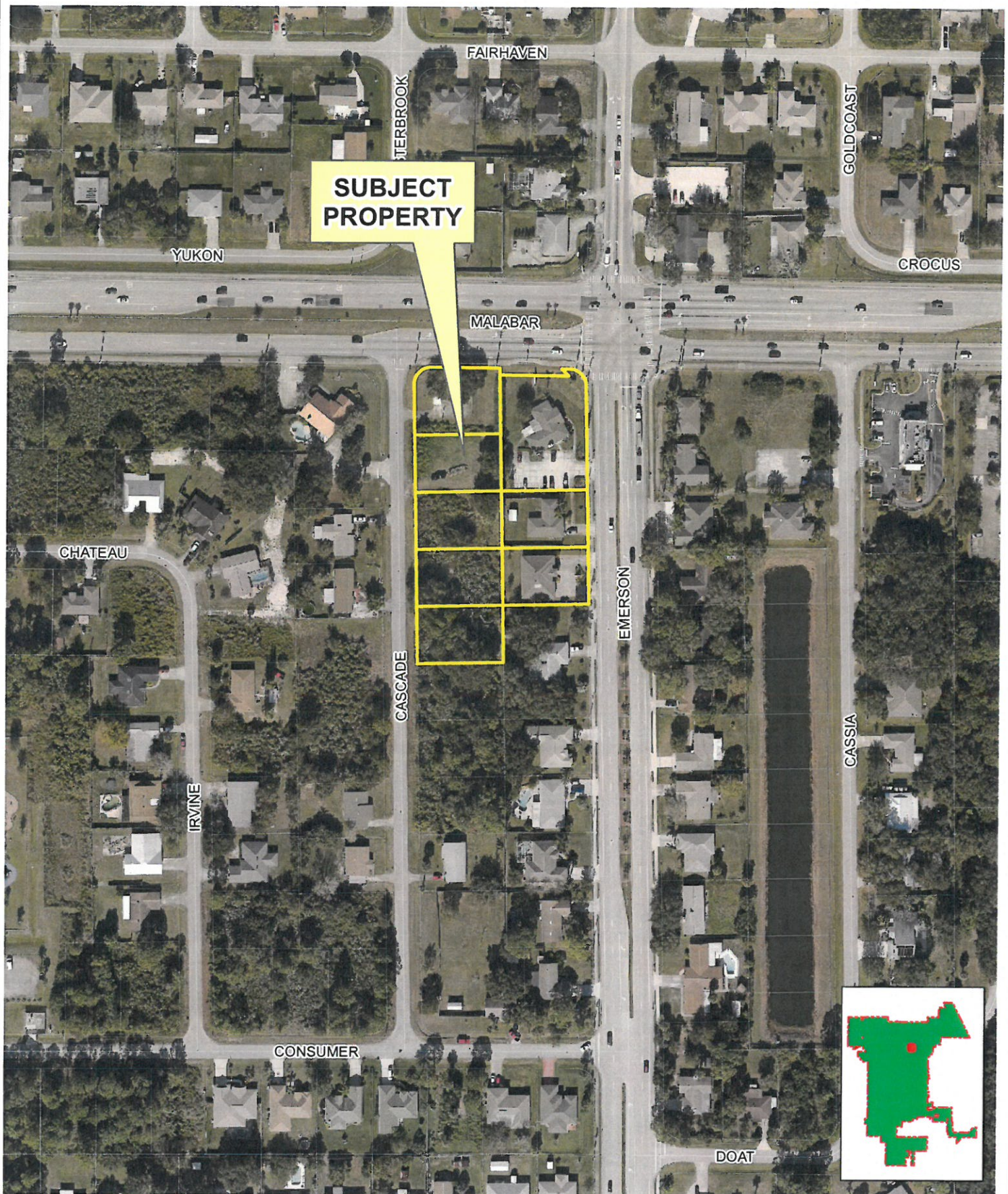


Map for illustrative purposes only. Not to be construed
as binding or as a survey.

Map created by the Land Development Division



CASE NO. CPZ-1-2017



Map for illustrative purposes only. Not to be construed
as binding or as a survey.

Map created by the Land Development Division



CASE NO. CPZ-1-2017



Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
Landdevelopment@palmbayflorida.org

REZONING APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida, unless otherwise stated.

1) NAME OF APPLICANT (Type or print) Emerson Development Partners, LLC

ADDRESS 7331 Office Park Place, Suite 200

CITY Viera STATE Florida ZIP 32940

PHONE # 321-428-4424 FAX # _____

E-MAIL ADDRESS matt.williams@matthewdev.com

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION

See Attached.

SECTION 29 TOWNSHIP 37 RANGE 05

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 2.05 ac

4) ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.) RC Commercial and RS-1 Residential

5) ZONE CLASSIFICATION DESIRED (ex.: IU, LI, etc.): CC - Community Commercial

6) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY? Yes

7) JUSTIFICATION FOR REZONING: See Attached.

8) PRESENT USE OF THE PROPERTY: Combination of office and vacant lands.

9) INTENDED USE OF PROPERTY: Construction of a Wawa Neighborhood Market with gas station

10) THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:

☒ *\$600.00 Application Fee. Make check payable to "City of Palm Bay."

☒ Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)). Provide in PDF format if larger than 11" x 14".

_____ A listing of legal descriptions of all properties within a 500 foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at <https://www.bcpao.us/paohome.asp>) List shall be legible and the source of that information stated here: _____

_____ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.

_____ WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE REZONING.

☒ IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY, AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING REZONING APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant



Date 12-1-16

Printed Name of Applicant

Matt Williams of Emerson Development Partners, LLC

*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY

Wawa – Emerson & Malabar

Subject Property:

The subject of the rezoning is comprised of 8 parcels as follows:

Current Owner	Current Use	Address	Parcel ID
Bell South Telecommunications	Utility Substation	N/A (southeast corner of Malabar & Cascade)	29-37-05-GJ-304-10 B3m
CLS Investment of Brevard Co.	Vacant	111 Cascade Ave.	29-37-05-GJ-304-9
CLS Investment of Brevard Co.	Vacant	121 Cascade Ave.	29-37-05-GJ-304-8
CLS Investment of Brevard Co.	Vacant	131 Cascade Ave.	29-37-05-GJ-304-7*
Kris Sarabjit	Residence	141 Cascade Ave.	29-37-05-GJ-304-6*
CLS Investment of Brevard Co.	Office	1500 Emerson Dr.	29-37-05-GJ-304-11
CLS Investment of Brevard Co.	Office	1516 Emerson Dr.	29-37-05-GJ-304-13
Lifestyle Home Builders	Model Home / Office	1524 Emerson Dr.	29-37-05-GJ-304-14

*Subject to Comprehensive Plan – Future Land Use Map amendment under separate cover.

REZONING - SUPPLEMENTAL

JUSTIFICATION FOR CHANGE of ZONING

The subject property is located approximately one mile west of the I-95 interchange at the southwest corner of the Malabar Road / Emerson Drive signalized intersection. Within the vicinity of the subject property, the development pattern along the south side of Malabar Road transitions from several big box retailers and intensive highway commercial uses to the east to professional offices and eventually single family homes further to the west. The recent development trends continue to indicate a high demand for commercial businesses along Malabar Road. In addition to the intensive commercial hub at the interchange, existing and newly developed commercial uses along the south side of the corridor include fast food restaurants, gas stations, urgent care medical facilities, and multi-tenant neighborhood commercial centers.

REQUEST:

The subject of this REZONING application consists of EIGHT lots totaling ± 2.05 acres in size. The existing lots consist of two improved single-tenant office uses, a model home / sales office for a home builder, a small Bellsouth telecommunication utility substation (to remain) and four vacant / undeveloped lots. The rezoning request is for 6 lots currently zoned RC, Restricted Commercial and 2 lots zoned RS-1, Residential to CC, Community Commercial.

In total, the assembled ± 2.05 acre project is adequate to support a proposed Wawa Neighborhood Market with gas / fuel sales. *Included as part of the application package, under separate cover, is a Conditional Use Application to allow for the proposed Wawa Neighborhood Market with gas / fuel sales.*

PROJECT DESCRIPTION:

Wawa is a family owned business offering a highly desirable alternative to traditional "gas stations" with affordable quality deli options, fresh, built-to-order foods, beverages, coffee, no surcharge ATMs and free air dispenser. The winner of the 2013 Beautification Award in Orlando, Wawa is proud to be recognized for its continued commitment to enhancing the community environment through litter prevention, waste reduction and recycling, and beautification. The building and site design includes extensive windows along the façade and dual frontage accessibility. These intentional site designs along with an average of 40 part time and full time employees per store collectively provide a safe and clean environment for customers and employees.

JUSTIFICATION:

The purpose and intent of the CC, Community Commercial district is to establish areas which are deemed to be uniquely suited for the development and maintenance of community commercial facilities primarily located in or near the intersection of arterial roadways. The subject property is located at southwest corner of the signalized intersection of Malabar Road

and Emerson Drive. Malabar Road is a 4 lane divided arterial highway with a grassed center median and dedicated turn lanes with signalized intersections. Similarly, Emerson Drive to the east is a four lane divided roadway with a raised / grassed center median and dedicated turn lanes.

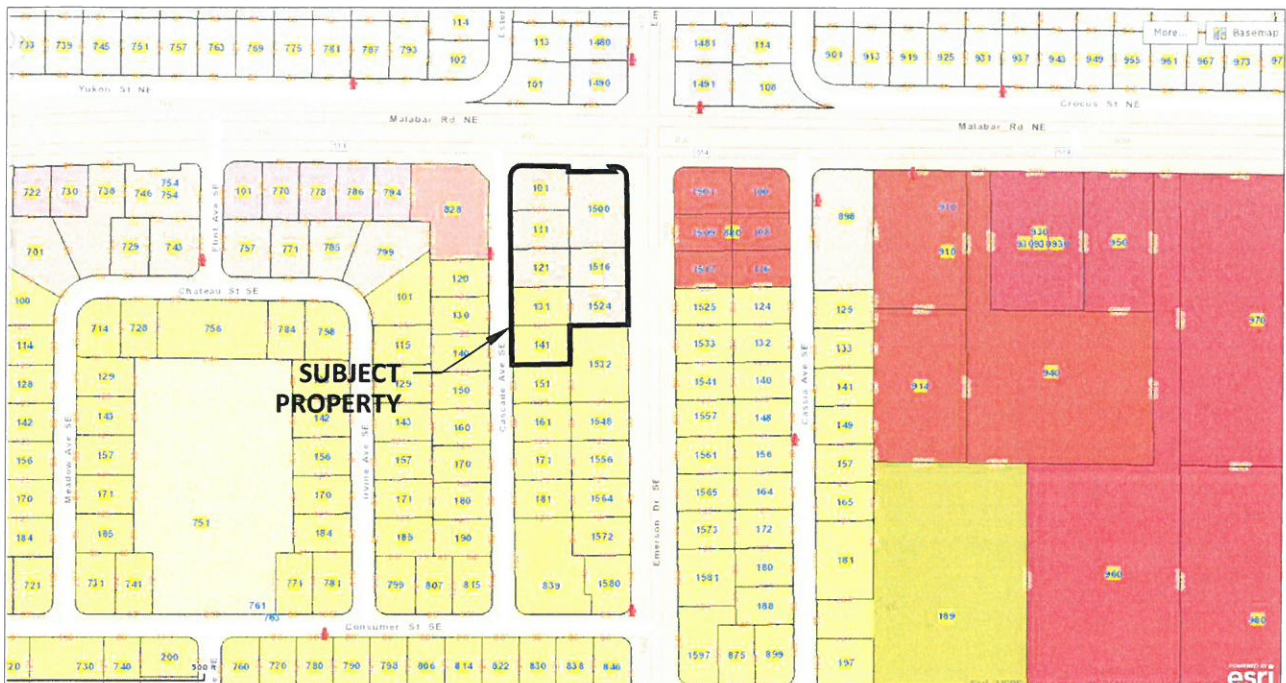
<i>Consistency</i>	The proposed rezoning is consistent with the adjacent properties to the east and west along the south side of Malabar Road.
<i>Compatibility</i>	Most recently, a Cumberland Farms and a Dunkin Donuts were developed immediately east of the subject property. Traffic volumes in the area, improved properties, established development patterns and emerging development trends, indicate a more intensive commercial use of the property would be consistent and compatible with the adjacent properties along Malabar Road corridor.
<i>Market Area</i>	A Wawa Neighborhood Market is complimentary and compatible with the current land use pattern and existing mix of uses along the corridor. A general evaluation of the area indicates a significant retail opportunity for a neighborhood serving market with fresh food, beverages and general merchandise consistent with the market demands serving the local residents and workforce within the City of Palm Bay.
<i>Infill</i>	<p>Infill redevelopments include assembling sites, providing employment, and supporting a cohesive infrastructure system. There are several reasons to support redevelopment of the subject property specifically for the Wawa Neighborhood Market use:</p> <ul style="list-style-type: none">• The subject property is part of an assemblage of underutilized sites.• As platted, the physical size of the individual parcels is inadequate to support the development demands of modern commercial uses along the corridor.• The proposed infill redevelopment will bring the property substantially within code including access, setbacks, signage, and landscaping, which collectively will significantly improve the aesthetics of the property and enhance economic development in the area.• Wawa prides itself on being part of the neighborhood community and providing a clean and safe place to shop.

SUMMARY:

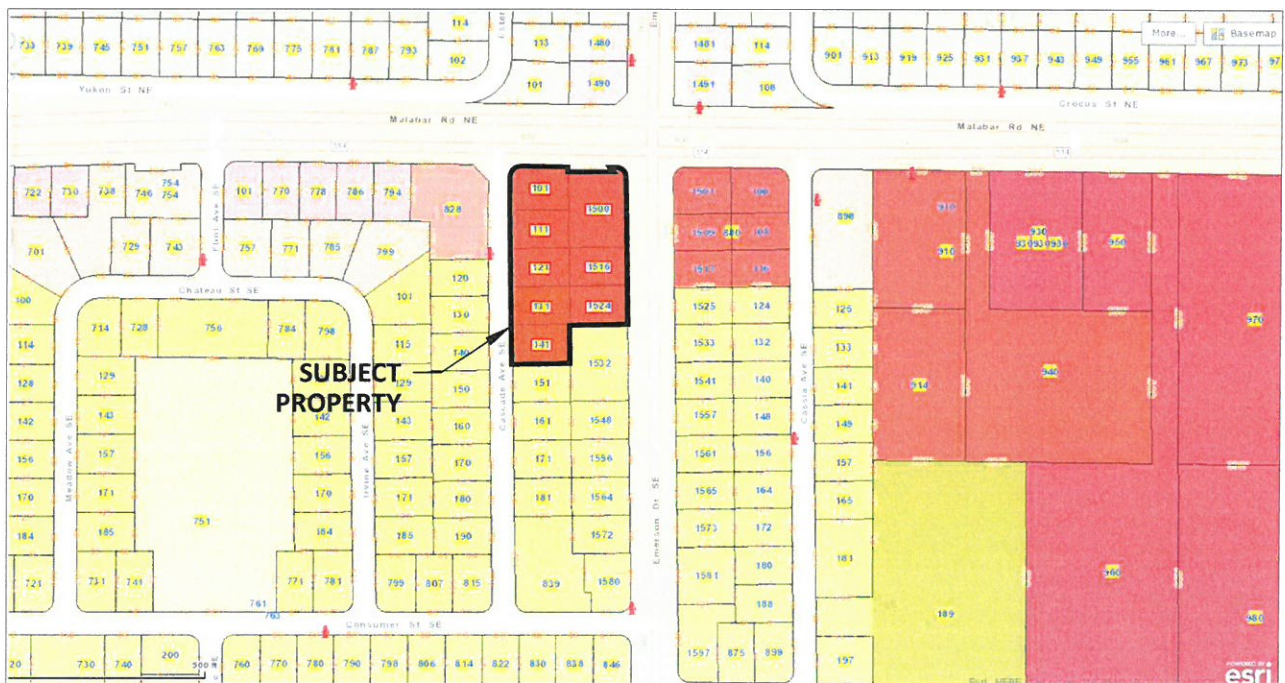
The proposed rezoning to CC, Community Commercial is consistent and compatible with the commercial development pattern along the Malabar Road corridor. Additionally, the intended Wawa Neighborhood Market use provides a logical, cohesive and efficient development opportunity for the subject property consistent with the intent of infill redevelopment.

Thank you for your consideration.

ZONING MAP - EXISTING: RC, COMMERCIAL & RS-1, RESIDENTIAL



ZONING MAP - PROPOSED: CC, COMMUNITY COMMERCIAL

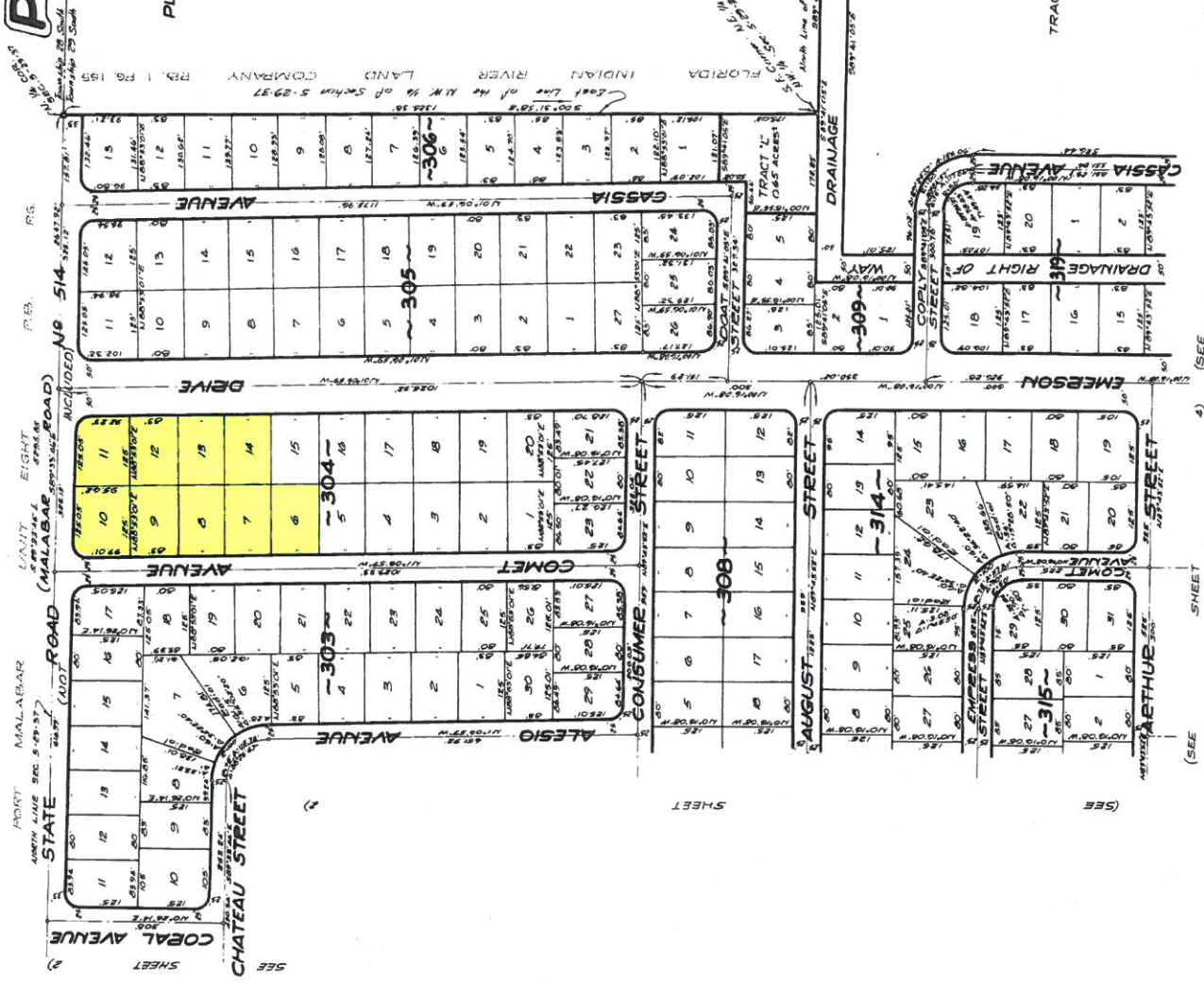


PORT MALABAR

UNIT NINE

PLAT BOOK 15 PAGE 3

A RESUBDIVISION OF PORTIONS OF THE
FLORIDA INDIAN RIVER LAND COMPANY
PLAT BOOK 1, PAGE 15 IN SECTIONS 4, 5 AND 6,
TOWNSHIP 29 SOUTH, RANGE 37 EAST,
CITY OF PALM BEACH,
BREVARD COUNTY, FLORIDA



ARTHUR L. DAY
CIVIL ENGINEER
MIAMI - FLORIDA

SHEET 3 OF 8 SHEETS
NOT LOTS THIS SHEET

CALCULATED BY: R.C.
DRAWN BY: S.F.
CHECKED BY: J.B.
APPROVED BY: C.B.K.



DATE: January 4, 2017
CASE #: CU-1-2017

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

APPLICATION

- PROPOSAL:** The applicant is requesting conditional use approval for retail automotive fuel sales upon a property zoned CC, Community Commercial District.
- LOCATION:** The subject property is located at the SW corner of Malabar Road SE and Emerson Drive SE. Specifically, Lots 6-14, Block 304, of Port Malabar Unit 9, Section 5, Township 29 South, Range 37 East, Brevard County, Florida.
- APPLICANT:** Emerson Development Partners, LLC. (Matt Williams, Manager)

SITE DATA

- PRESENT ZONING:** CC, Community Commercial District
- ACREAGE:** 2.05 +/-
- DENSITY:** Not Applicable
- ADJACENT ZONING
& LAND USE:**
- N** -- RC, Restricted Commercial District; Malabar Road
 - E** -- RC, Restricted Commercial District; Emerson Drive
 - S** -- RS-1, Single Family Residential District; Single Family Homes
 - W** -- RS-1, Single Family Residential and RC, Restricted Commercial Districts; Cranbrook Avenue
- WATER & SEWER:** City Water & Sewer Available and Required
- FLOOD ZONE:** X, Area outside the 500-year flood zone
- COMPLIANCE WITH THE
COMPREHENSIVE PLAN:** Yes

BACKGROUND:

1. The subject property is located at the SW corner of Malabar Road SE and Emerson Drive SE. Specifically, Lots 6-14, Block 304, of Port Malabar Unit 9, Section 5, Township 29 South, Range 37 East, Brevard County, Florida.
2. The current zoning is CC, Community Commercial. The surrounding zoning and land uses are as follows:

North: RC, Restricted Commercial District; Malabar Road
South: RC, Restricted Commercial District; Emerson Drive
East: RS-1, Single Family Residential District; Single Family Homes
West: RS-1, Single Family Residential and RC, Restricted Commercial Districts; Cranbrook Avenue
3. The applicant, Emerson Development Partners, LLC. is requesting conditional use approval for retail automotive fuel sales upon property zoned CC, Community Commercial District. The applicant is represented by Mr. Phillip Nhorh, Esquire.

ANALYSIS:

The property consists of nine (9) lots of roughly ¼ acre each, at the SW corner of Malabar Road and Emerson Drive. Four (4) of these lots are vacant. The other lots contain such uses as an AT&T Switching Station, Cheryl Smith Realty Office, Lifestyle Homes Office, and a Hair Salon. Except for the AT&T Facility, all of the existing buildings and parking lots will be removed in order to construct a Wa Wa Neighborhood Market. The convenience store will be approximately 6,119 square feet. The facility will retail automotive fuel and contain eight (8) pump islands, for a total of 16 fueling stations. Outdoor seating is provided on the north and east sides of the building.

CODE REQUIREMENTS:

1. In order to be granted conditional use approval, a request is evaluated upon items (A) through (I) of the General Requirements and Conditions listed in Section 185.087 of the Code of Ordinances. A review of these items is as follows:

Item (A): Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.

The conceptual plan proposes two (2) driveways onto Emerson Drive and one (1) on Cascade Avenue. The site will not be accessed directly from Malabar Road. As this parcel is located at the intersection of an arterial and major collector roadway a traffic study is required during the administrative site plan review process, in order to examine possible roadway safety and capacity improvements.

Item (B): Adequate parking and loading areas may be provided, without creating undue noise, glare, odor or other detrimental effects upon adjoining properties.

Based upon the use and size of the building, a minimum of 31 parking spaces are required, of which at least two (2) spaces shall be designated for handicapped parking. The conceptual plan proposes 67 regular spaces and three (3) handicapped parking stalls.

Item (C): Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development

The building is required to connect to the city's potable water and sewer system.

Item (D): Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties.

The site is bordered by roadways on the north, east and west. The building will be approximately 150 feet from the homes located on the west side of Cascade, as well as the home located south of the project. The landscape code and the width of the abutting roadways appear sufficient buffering from existing development.

Item (E): Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.

Two (2) detached signs are shown – one on Malabar Road and one on Emerson Drive. The note states the signs will be a maximum 25 feet tall and setback at least ten (10) feet from the property line. These standards comply with the city's sign code. However, the note also states the signs will have a maximum copy area of 150 square feet. The maximum sign area for a detached sign, at this location, is 64 square feet. A lighting plan has not been provided. It shall be noted that City codes require any and all lighting to be shielded and/or directed downward, so as to not create a nuisance to adjacent properties. During the administrative site plan review a lighting and photometric plan will be required.

Item (F): Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

The yards and open space requirements of the Zoning Code have been met.

Item (G): The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity.

Wide drive aisles and ample on-site maneuverability are proposed. Fuel islands and storage tanks are placed in the northern end of the site, which is flanked by commercial uses. The traffic study will determine any necessary off-site roadway improvements.

Item (H): The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.

The proposed “uses” are permitted (via conditional use) and the site is bordered by roads on three (3) sides. The minimum buffering required by the zoning code has been met along the south property line.

Item (I): Development and operation of the proposed use shall fully comply with any additional conditions and safeguards, which the City Council may prescribe, including, but not limited to, a reasonable time limit within which the action for which special approval is requested, shall be begun or completed, or both.

The Planning and Zoning Board and City Council has the authority and right to impose any additional and justifiable safeguards and/or conditions to ensure that the facility operates safely and harmoniously with its surroundings. The City’s Public Works Department has recommended that the project provide a sidewalk along its western boundary and that connections to off-site sidewalks are provided to the site. They have also recommended that 6-inch curbing is constructed along the east side of Cascade Avenue, to prevent on-street parking.

2. In addition to the General Requirements and Conditions of Section 185.087, the request shall successfully address items (a) through (h) of the conditional use requirements for automotive fuel sales, as provided in the guidelines of the CC District {Section 185.043 (D) (2)}. A review of these items is as follows:

Item (a) Access: Retail automotive gas/fuel sales establishments shall be located on arterial roadways or on corner lots at the intersection of collector streets or higher functional classification as identified in the adopted Palm Bay Comprehensive Plan. No more than two (2) corner lots at any one (1) intersection shall be used for retail gasoline or automotive fuel sales. No driveway or access shall be permitted within one hundred (100) feet from an intersection of collector streets or higher functional classification.

As previously stated, Malabar Road is designated as an Arterial Roadway and Emerson Drive is designated as a Major Collector Roadway. There is a Cumberland Farms Store located to the east, across Emerson. Therefore, this would be the second fueling station at this intersection.

Item (b) Minimum Frontage: One hundred and fifty (150) feet on each abutting street.

The property contains approximately 425 feet along Cascade Avenue; 331 feet along Emerson Drive; and 234 feet along Malabar Road

Item (c) Location of Facilities: Gasoline, fuel pumps, storage tanks and other service island equipment shall be at least twenty (20) feet from all property lines, fifteen (15) feet from any building, and one hundred (100) feet from the nearest residentially zoned land. No gasoline fuel pump, storage tank or other equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well.

The underground fuel storage tanks shown on the submitted plan do not appear to meet the minimum 20 foot setback from the north property line. This item will be addressed during the official review of the site plans. The closest property line is more than 40 feet from the fueling islands and the islands are 60 feet from the convenience store. The islands are located more than 280 feet from the nearest residentially-zoned property and the closest municipal or public supply well is approximately 1.5 miles to the north.

Item (d) Tank Storage: Underground storage required for all receptacles for combustible materials in excess of two hundred (200) gallons.

The fuel storage tanks shall be located underground.

Item (e) Proposed Use: The proposed use will not constitute a nuisance or hazard because of vehicular traffic movement, delivery of fuel movement, noise or fume generation.

This was previously addressed under Item (G) of the general requirements.

Item (f) Signs: Signs, if any, and proposed exterior lighting will be designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility or disharmony with adjoining properties.

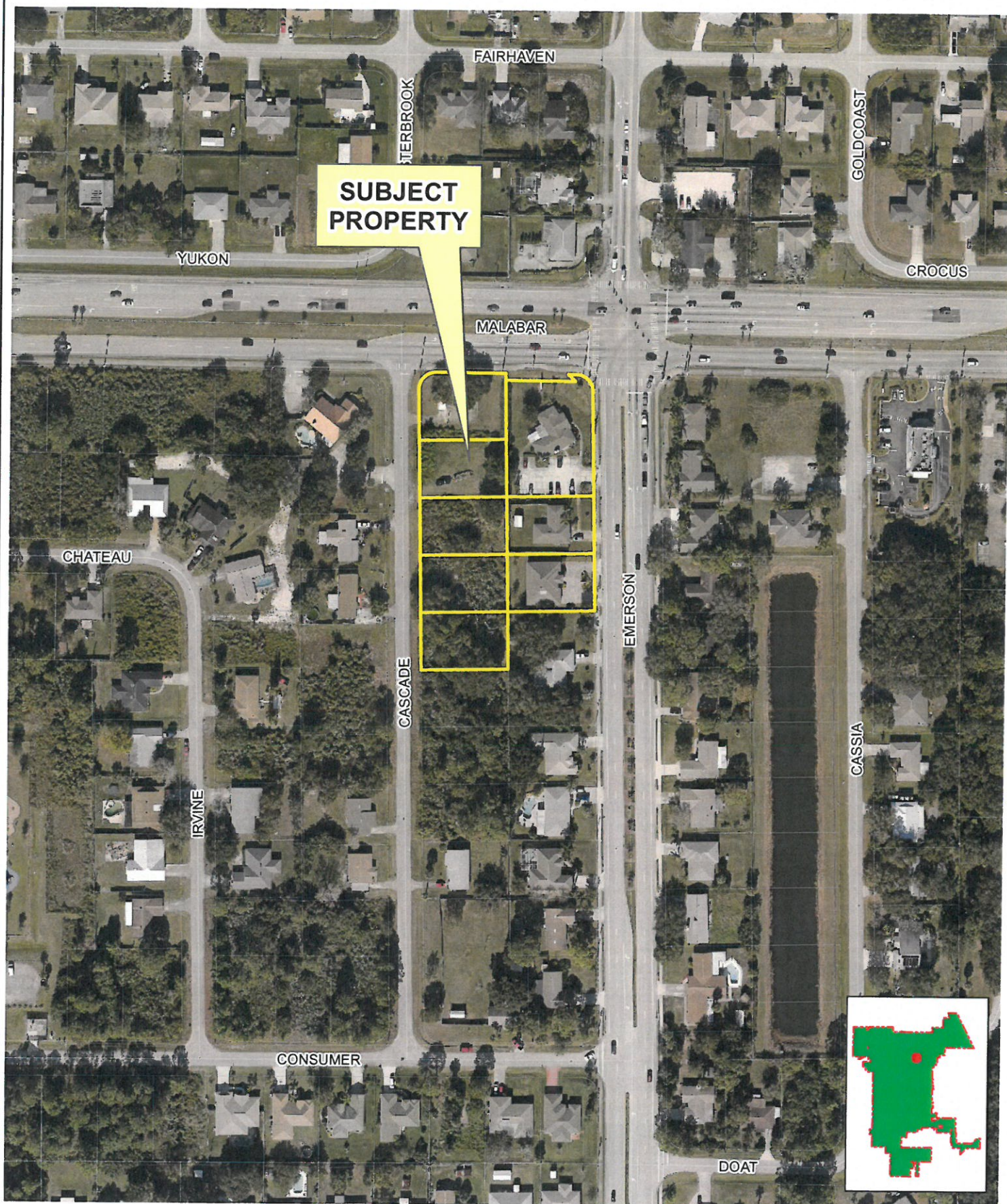
This was previously addressed under Item (E) of the general requirements.

Item (g) Operation: Development and operation of the fuel pumps and attendant storage tanks shall be in compliance with Section 176.01 et seq. of the City of Palm Bay's Code of Ordinances.

This is a code requirement dealing with the installation and monitoring of this equipment and must be met during the administrative site plan review process.

STAFF CONCLUSION:

The Planning and Zoning Board and City Council must determine if the request meets the criteria of Sections 185.087 and 185.043 (D) (2), of the Palm Bay Code of Ordinances.



Map for illustrative purposes only. Not to be construed
as binding or as a survey.

Map created by the Land Development Division



CASE NO. CU-1-2017



Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
Landdevelopment@palmbayflorida.org

CONDITIONAL USE APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida, unless otherwise stated.

- 1) NAME OF APPLICANT (Type or print) Emerson Development Partners, LLC
ADDRESS 7331 Office Park Place, Suite 200
CITY Viera STATE Florida ZIP 32940
PHONE # 321-428-4424 FAX # _____
E-MAIL ADDRESS matt.williams@matthewdev.com
- 2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION _____
See Attached
SECTION 29 TOWNSHIP 37 RANGE 05
- 3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 2.05 ac
- 4) CONDITIONAL USE SOUGHT: Retail auto gas/fuel sales
- 5) ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.): CC Community Commercial (pending)
- 6) APPLICANT MUST PROVIDE A SITE PLAN SKETCH ON CD OR MEMORY DRIVE SHOWING THE FOLLOWING WHERE APPLICABLE:
 - (a) Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.
 - (b) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.
 - (c) Adequate and properly located utilities that are available or may be reasonably provided to serve the proposed development.
 - (d) Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties.
 - (e) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.
 - (f) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.
 - (g) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity.

CITY OF PALM BAY, FLORIDA
CONDITIONAL USE APPLICATION
PAGE 2 OF 3

- (h) The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.
- (i) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including, but not limited to, reasonable time limit within which the action for which special approval is requested shall be begun or completed, or both.

7) ADDITIONAL CONDITIONS MUST BE MET FOR THE FOLLOWING CONDITIONAL USES. LISTINGS OF THE ADDED CRITERIA ARE AVAILABLE FROM STAFF AND MUST BE INCORPORATED INTO THE SITE PLAN (Check all that apply).

- ☐ Planned Commercial Development (site is commercially zoned and over three acres in size).
- ☐ Planned Industrial Development (site is industrially zoned and over five acres in size).
- ☐ Planned Residential Development (site is zoned multi-family and proposes 100 or more units).
- | | |
|---|---|
| <input type="checkbox"/> Church | <input type="checkbox"/> Communication tower and facilities |
| <input type="checkbox"/> Club or Lodge | <input type="checkbox"/> Arcade amusement center |
| <input type="checkbox"/> Commercial dog kennel | <input type="checkbox"/> Electronic gaming establishment |
| <input type="checkbox"/> Public or private school | <input type="checkbox"/> Dance club (Sec. 185.088(J)) |
| <input type="checkbox"/> Self-storage facility | |

8) THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:

- ☒ *\$600.00 Application Fee. Make check payable to "City of Palm Bay."
- ☐ A listing of legal descriptions of all properties within a 500 foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at www.brevardpropertyappraiser.com) List shall be legible and the source of that information stated here: _____
- ☐ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.
- ☒ Property map showing properties within 500 foot radius, and clearly outlining the subject parcel.
- ☒ Location map showing properties adjacent uses, zoning, streets, driveways, canals, and utilities.
- ☐ Citizen Participation Plan. Refer to Section 169.005 of the Land Development Code for guidelines.
- ☐ Where property is not owned by the applicant, a letter must be attached giving the notarized consent of the owner for the applicant to request the conditional use.
- ☒ In order to disclose all parties seeking this approval, complete the attached disclosures of ownership interests forms for property owners and/or applicants In reference to resolution 2008-19.

**CITY OF PALM BAY, FLORIDA
CONDITIONAL USE APPLICATION
PAGE 3 OF 3**

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE LOCAL PLANNING AGENCY, AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

**UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING
CONDITIONAL USE APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.**

Signature of Applicant



Date 12-1-16

Printed Name of Applicant

Matt Williams of Emerson Development Partners, LLC

*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY

Wawa – Emerson & Malabar
Complete Legal Description of Property Covered by Application

Subject Property:

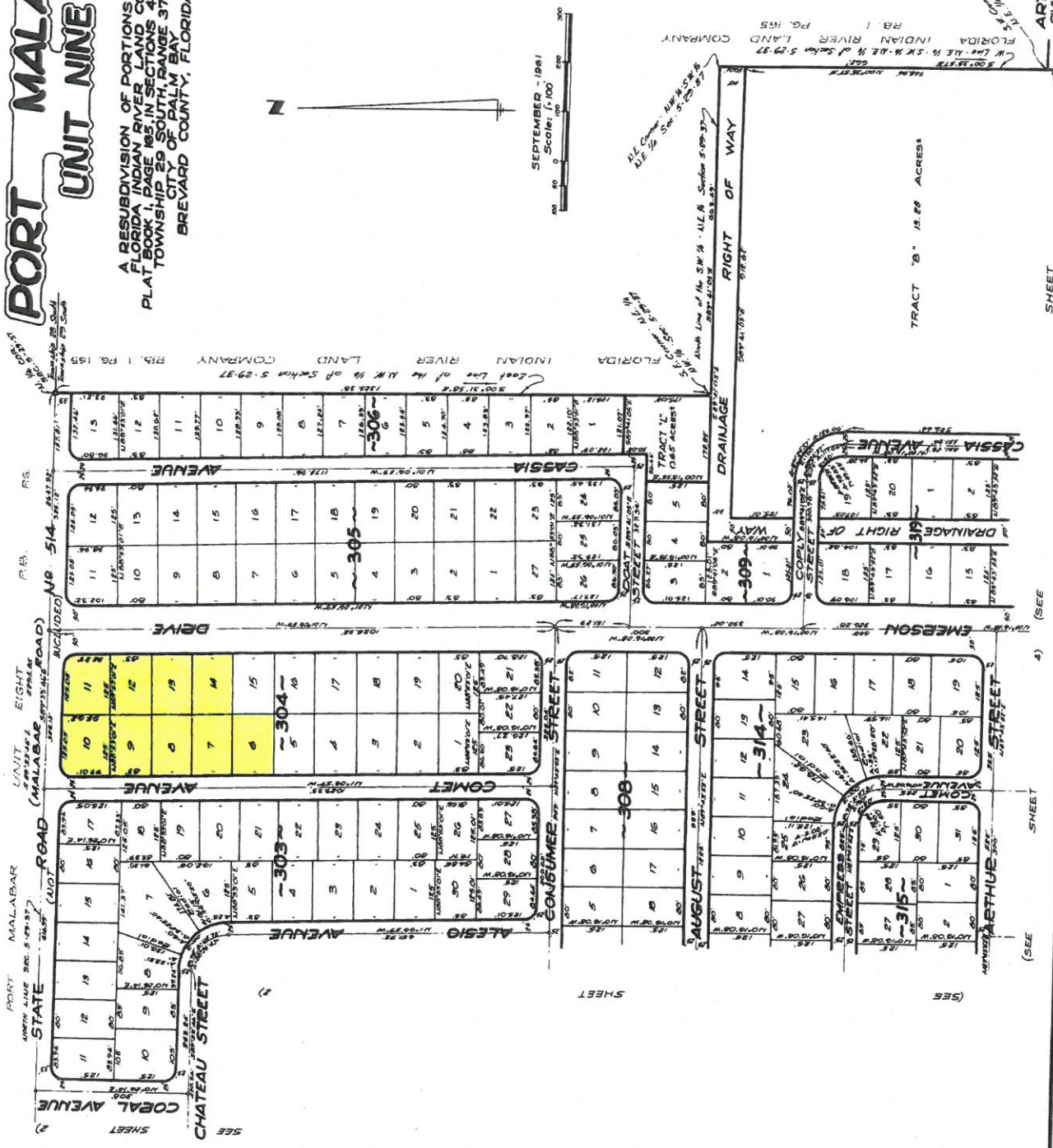
The subject of the rezoning is comprised of 8 parcels as follows:

Current Owner	Current Use	Address	Parcel ID
Bell South Telecommunications	Utility Substation	N/A (southeast corner of Malabar & Cascade)	29-37-05-GJ-304-11 ¹⁰
CLS Investment of Brevard Co.	Vacant	111 Cascade Ave.	29-37-05-GJ-304-9
CLS Investment of Brevard Co.	Vacant	121 Cascade Ave.	29-37-05-GJ-304-8
CLS Investment of Brevard Co.	Vacant	131 Cascade Ave.	29-37-05-GJ-304-7*
Kris Sarabjit	Residence	141 Cascade Ave.	29-37-05-GJ-304-6*
CLS Investment of Brevard Co.	Office	1500 Emerson Dr.	29-37-05-GJ-304-11
CLS Investment of Brevard Co.	Office	1516 Emerson Dr.	29-37-05-GJ-304-13
Lifestyle Home Builders	Model Home / Office	1524 Emerson Dr.	29-37-05-GJ-304-14

*Subject to Comprehensive Plan – Future Land Use Map amendment under separate cover.

PORT MALABAR **UNIT NINE** PLAT BOOK 15 PAGE 3

A RESUBDIVISION OF PORTIONS OF THE
FLORIDA INDIAN RIVER LAND COMPANY,
PLAT BOOK 1, PAGE 185 IN SECTIONS 4, 5 AND 6,
TOWNSHIP 29 SOUTH, RANGE 37 EAST,
CITY OF PALM BAY
BREVARD COUNTY, FLORIDA



ARTHUR L. DAY
CIVIL ENGINEER
MIAMI - FLORIDA

CALCULATED BY R.C.
DRAWN BY S.F.
CHECKED BY J.B.
APPROVED BY C.W.

SHEET 2 OF 8 SHEETS
THIS SHEET
SHOWS LOTS THIS SHEET

Dec. 8, 2016

29-37-05-GJ-304-9 CLS
29-37-05-GJ-304-8 CLS
29-37-05-GJ-304-13 CLS
29-37-05-GJ-304-12 CLS
29-37-05-GJ-304-11 CLS

Re: Letter of Authorization

As the property owner of the site legally described as 29-37-05-GJ-304-7
(CLS Investment of Brevard Co.)

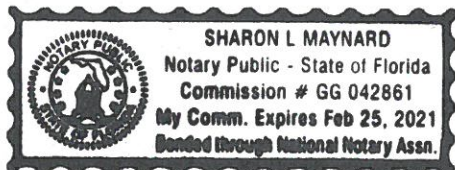
I hereby authorize Emerson Development Partners, LLC
to represent my Comprehensive Plan, Conditional Use, Rezoning & Variance application for said property.

Cheryl L. Smith
(Signature)

STATE OF Florida
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 8th Dec., 2016
by Cheryl L. Smith, who is personally known by me or
who has produced _____ as identification,
and who did ✓/did not _____ take an oath.

(SEAL)



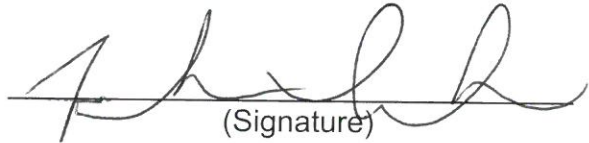
Sharon L. Maynard, Notary Public
Serial No. GG 042861
My commission expires 2-25-21

December 5th, 2016

Re: Letter of Authorization

As the property owner of the site legally described as 29-37-05-GJ-304-14
(Lifestyle Home Builders)

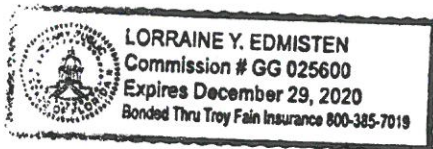
I hereby authorize Emerson Development Partners, LLC
to represent my Conditional Use, Rezoning & Variance application for said property.

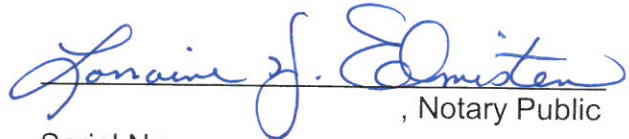

(Signature)

STATE OF Florida
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 12/5, 2016
by Jordan Luhn, who is personally known by me or
who has produced as identification,
and who did/did not take an oath.

(SEAL)




, Notary Public
Serial No. _____
My commission expires _____

Dec 12, 2016

Re: Letter of Authorization

As the property owner of the site legally described as 29-37-05-GJ-304-6
(Kris Sarabjit)

I hereby authorize Emerson Development Partners, LLC
to represent my Comprehensive Plan, Conditional Use, Rezoning & Variance application for said property.

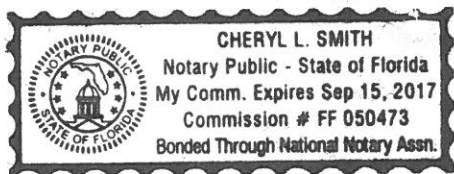
Kris Sarabjit

(Signature)

STATE OF Florida
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 12th Dec, 2016
by Kris Sarabjit, who is personally known by me or
who has produced _____ as identification,
and who did ☒/did not _____ take an oath.

(SEAL)



Cheryl L. Smith, Notary Public
Serial No. FF 050473
My commission expires 9-15-17



DATE: February 1, 2017
CASE #: CP-2-2017

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

COMPREHENSIVE PLAN AMENDMENT APPLICATION

PROPOSAL: A Comprehensive Plan Future Land Use Map large scale amendment from Agricultural (Brevard County) to Rural Single Family Use.

LOCATION: Tax Parcel 253, Section 21, Township 28, Range 36, Brevard County, Florida. (Located in the vicinity north of Emerson Drive NW, east of St. Johns Heritage Parkway, and west of Amadore Avenue NW)

APPLICANT: Lynne E. Gilchrist (Michael E. Dujovne, Esq., Rep.)

SITE DATA

PRESENT ZONING: GU, General Use District (Brevard County)

LAND USE

DESIGNATION: Agricultural (Brevard County)

ACREAGE: 10 acres, more or less

ADJACENT ZONING

& LAND USE:

- N** -- PUD/Single Family Residential
- E** -- General Use/Agricultural (Brevard County)
- S** -- PUD/Single Family Residential
- W** -- PUD/Single Family Residential

BACKGROUND:

The City has received a request for annexation for the 10 acre parcel from unincorporated Brevard County into the City limits.

ANALYSIS:

The requested Future Land Use of Rural Single Family Use causes no change from any potential future development impacts when contrasted to the existing Brevard County Agricultural Future Land Use. The proposed annexation will remove a potential unincorporated enclave.

Availability of Public Facilities and Services:

Potable Water:

The subject property is located in the City of Palm Bay Service Area. City Utilities reports that it has excess capacity available for future commercial use.

Sanitary Sewer:

The subject property is located within City of Palm Bay's sanitary sewer service area. City Utilities reports that it has excess capacity available for future residential use.

Solid Waste:

Waste Management provides solid waste collection and disposal for this area and adequate capacity exists to serve the land use proposed for the subject property.

Parks & Recreation:

Not Applicable. The proposed City Future Land Use does not increase residential density from the existing County designation.

Drainage:

The site is presently vacant and in its natural state. All necessary drainage and storm water management facilities must be provided on-site by the developer and approved during the site plan and land development review process.

Transportation:

Not Applicable. The proposed City Future Land Use does not increase residential density from the existing County designation, causing no change in trip generation from the existing Future Land Use.

Public Schools:

Not Applicable. The proposed City Future Land Use does not increase residential density from the existing County designation, causing no change in student generation from the existing Future Land Use.

Environmental Resources:

Any future use will require review and compliance with all relevant City regulations, including environmental review as required.

Coastal High Hazard Zone:

The subject property is not located within the original Coastal High Hazard Zone nor the current surge area.

Historic Resources:

There is no Florida Master Site File for any historic resources on the property.

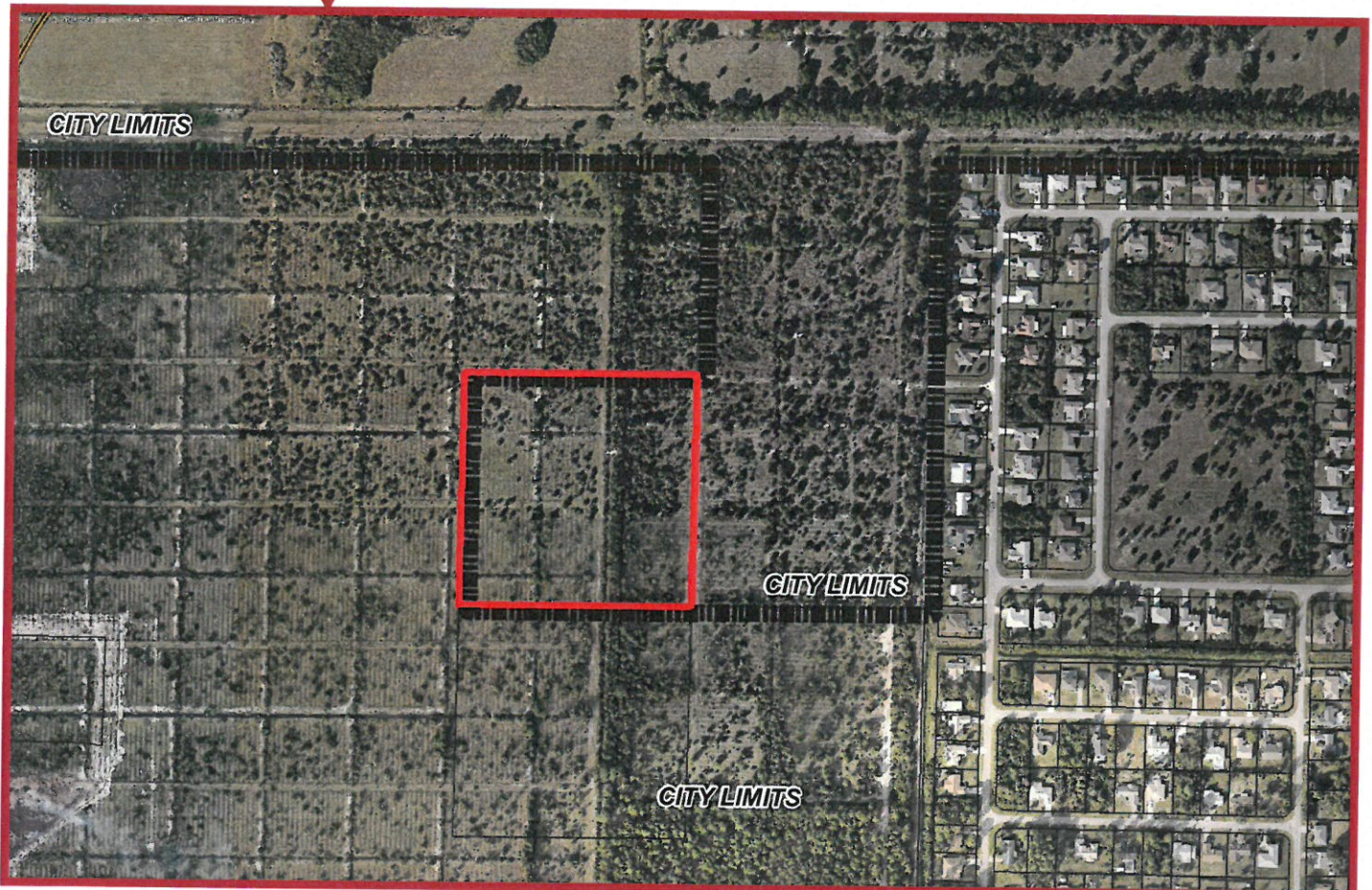
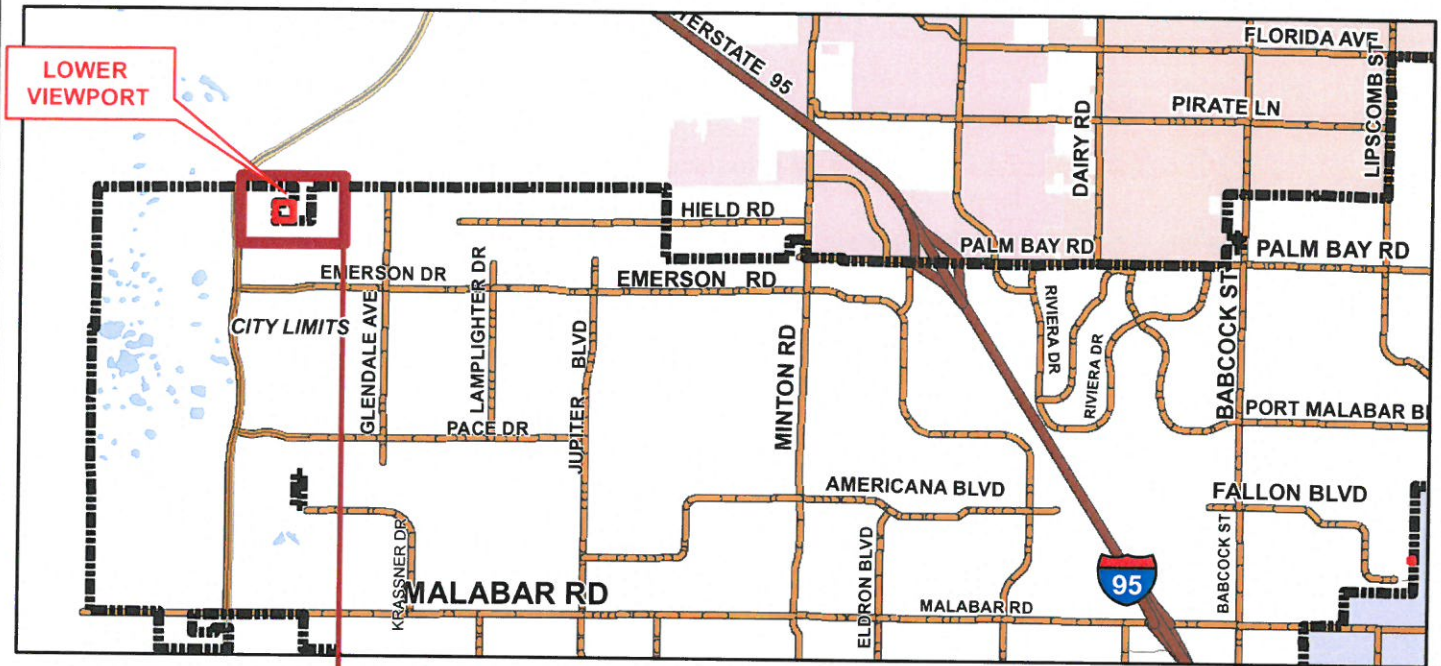
COMPREHENSIVE PLAN REQUIREMENTS:

The proposed amendment meets all requirements of the Comprehensive Plan, increases compaction of City boundaries, and removes a potential unincorporated enclave.

STAFF CONCLUSION:

Recommend the proposed Large Scale Future Land Use amendment from unincorporated Agricultural to City Rural Single Family Use to the City Council for adoption.

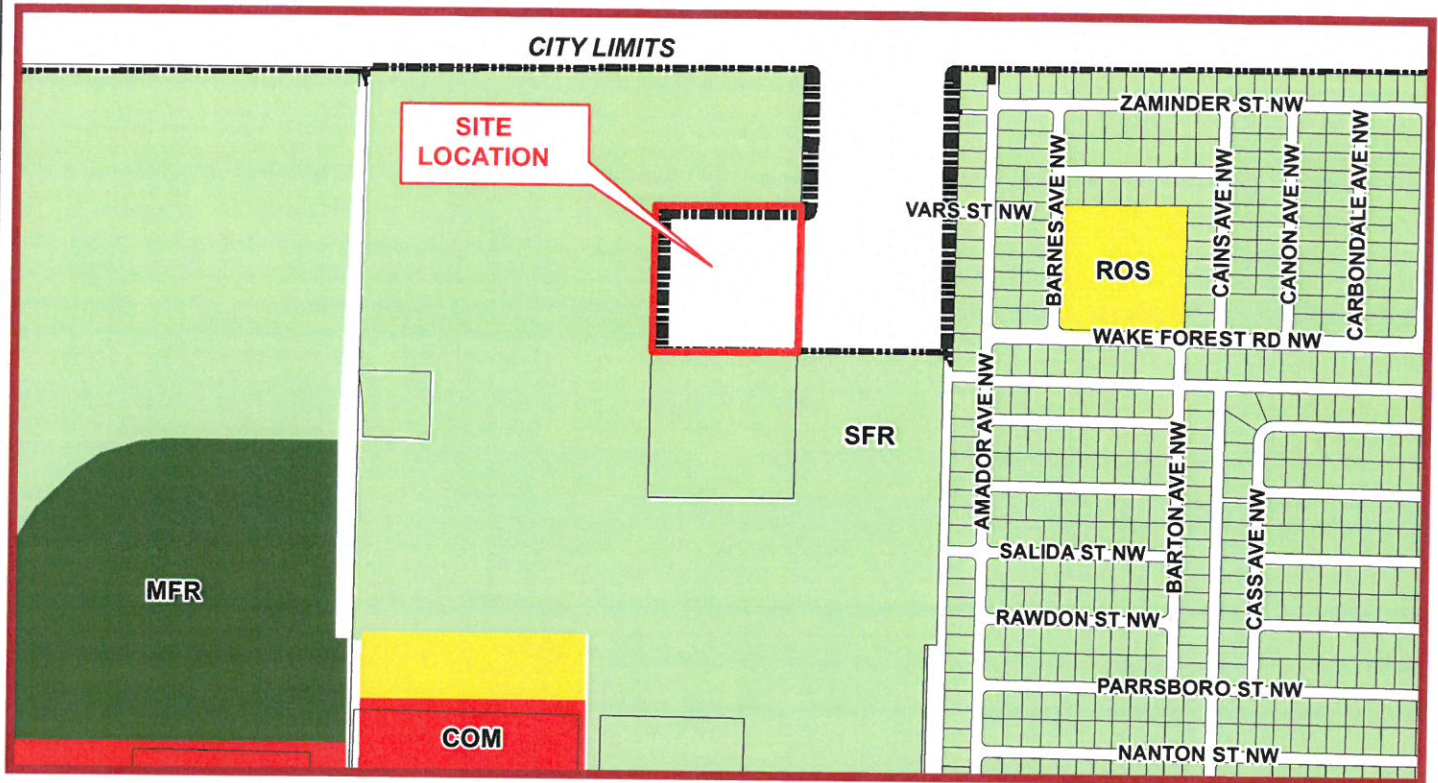
LOCATION MAP



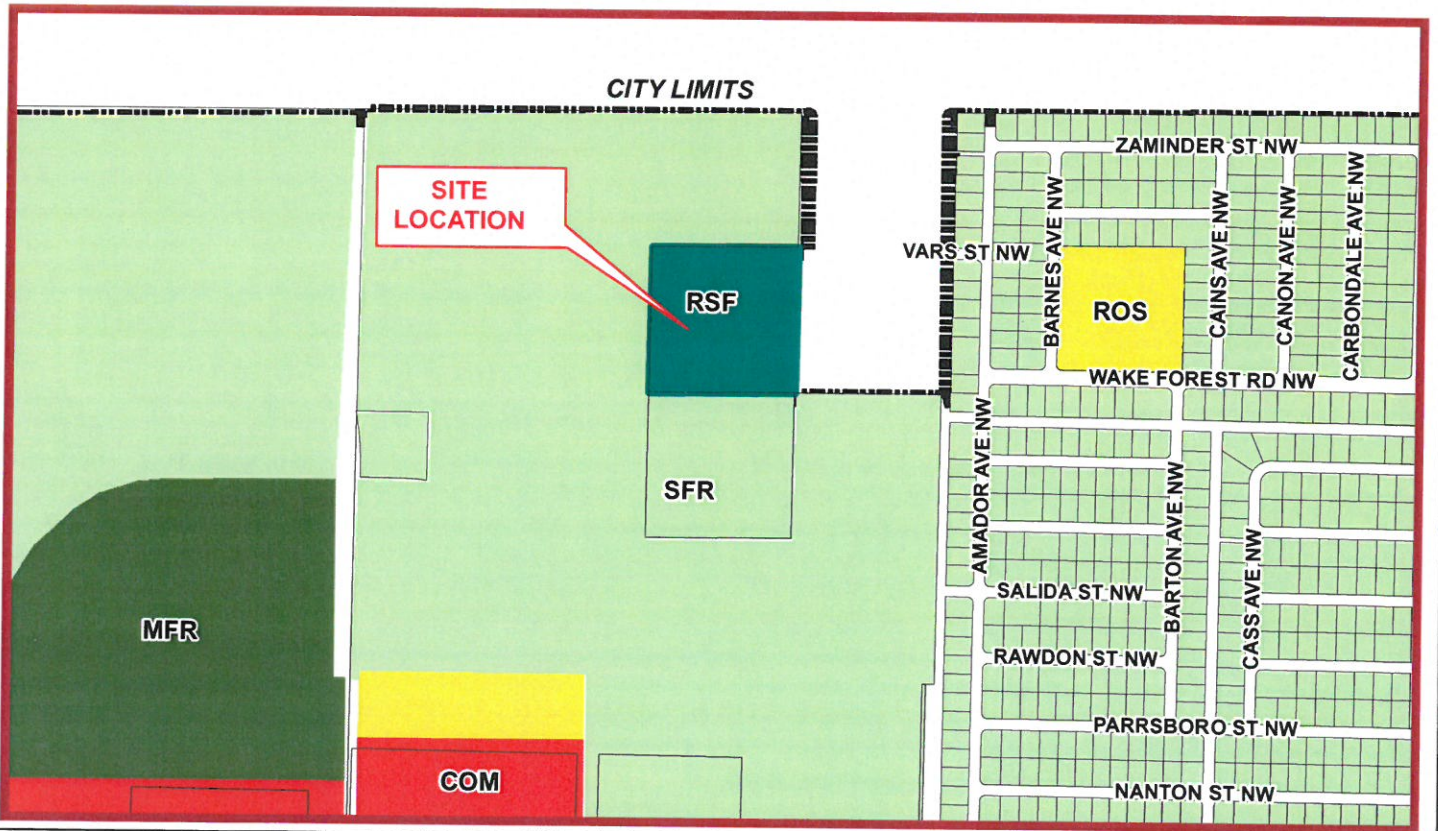
CP-2- 2017 and CPZ-2- 2017

CP-2-2017

CURRENT FLU



PROPOSED FLU





Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
Landdevelopment@palmabayflorida.org

COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

- 1) NAME OF APPLICANT (Type or print) Lynn E. Gilchrist
ADDRESS 731 N. Marion Street
CITY Oak Park STATE IL ZIP 60302
PHONE # 904-501-8093 FAX # _____
E-MAIL ADDRESS leg12mail@gmail.com
- 2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION see attached
SW 1/4 of NE 1/4 of NW 1/4

SECTION 21 TOWNSHIP 28 South RANGE 36 East
- 3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 10 acres
- 4) LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.): Brevard County - Vacant Residential Land - Single Family - Unplatted
- 5) LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE: Rural Single Family Use

- 6) PRESENT USE OF THE PROPERTY: Vacant residential land
- 7) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY: No
- 8) HAS A REZONING APPLICATION BEEN FILED IN CONJUNCTION WITH THIS APPLICATION:
Yes

(If no rezoning application is filed, the City must assume the maximum impact permissible by the land use classification desired. Impacts to transportation facilities, water and sewer facilities, drainage, recreation facilities, and solid waste must be examined and justified before acceptance by the Florida Department of Economic Opportunity and the City of Palm Bay.)

CITY OF PALM BAY, FLORIDA
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION
PAGE 2 OF 3

- 9) JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary): Voluntary Annexation

- 10) SPECIFIC USE INTENDED FOR PROPERTY: The current intended use is vacant residential land. At some point in the future, the applicants may choose to use the land for residential development.

- 11) THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP:

 *Application Fee. Make check payable to "City of Palm Bay."

- | | |
|---|--|
| <input type="checkbox"/> Large Scale Map Amendment (10 acres or more) \$1,600.00 | <input type="checkbox"/> Text Amendment (Comp. Plan) \$1,600.00 |
| <input type="checkbox"/> Small Scale Map Amendment (Less than 10 acres) \$1,000.00 | <input type="checkbox"/> Special Amendment Cycle \$4,000.00 |

 X Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)).

 X A listing of legal descriptions (for land use amendments) of all properties within a 500 foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at www.bcpao.us/paohome.asp). List shall be legible and the source of that information stated here: Brevard County Planning and Zoning Department

 Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.

 Citizen Participation Plan (for land use amendments of more than five acres in size). Refer to Section 169.005 of the Land Development Code for guidelines.

 WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT.

 X IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

CITY OF PALM BAY, FLORIDA
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION
PAGE 3 OF 3

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE LOCAL PLANNING AGENCY, AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant

Lynn E. Gilchrist

Date

Oct. 21, 2016

Printed Name of Applicant

Lynn E. Gilchrist

*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY

AUTHORIZATION

I, Kennedy W. Gilchrist, authorize Michael E. Dujovne, Esq. and other members of Volk Law Offices, P.A. to represent me before the City of Palm Bay ("the City"), including at the public hearings, regarding the following described real property in Brevard County, Florida: S/W ¼ of NE ¼ of NW ¼ of Section 21, Township 28 South, Range 36 East, located at 2000 Vars Street NW, Palm Bay, Florida ("the Property"), including but not limited to annexation of the Property into the City.

Date: 17 January 2017

Kennedy W. Gilchrist
Kennedy W. Gilchrist

State of Wisconsin
County of Dane

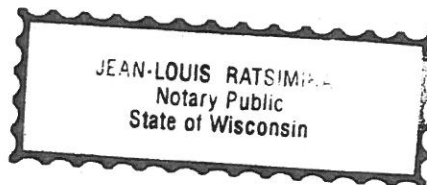
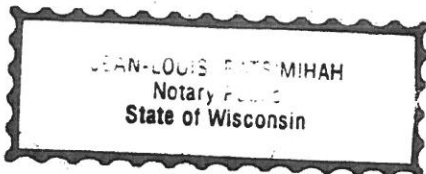
The foregoing instrument was sworn to and subscribed before me on this 17 day of January, 2017 by Kennedy W. Gilchrist, who is personally known to me or produced Driver's License as identification.

Signature of Notary Public

Printed Name of Notary

Commission/Serial No.:

My Commission Expires: 1-17-2019




AUTHORIZATION

AUTHORIZATION

I, Lynn E. Gilchrist, authorize Michael E. Dujovne, Esq. and other members of Volk Law Offices, P.A. to represent me before the City of Palm Bay ("the City"), including at the public hearings, regarding the following described real property in Brevard County, Florida: S/W ¼ of NE ¼ of NW ¼ of Section 21, Township 28 South, Range 36 East, located at 2000 Vars Street NW, Palm Bay, Florida ("the Property"), including but not limited to annexation of the Property into the City.

Date: 1-17-17


Lynn E. Gilchrist

State of ILLINOIS
County of COOK

The foregoing instrument was sworn to and subscribed before me on this 17 day of January, 2017 by Lynn E. Gilchrist, who is personally known to me or produced ILLINOIS-DL G426-5253-9674 as identification.

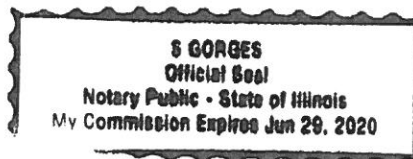
Expires 3/12/2021


Signature of Notary Public

S. Gorges
Printed Name of Notary

Commission/Serial No.: SHG-838979

My Commission Expires: June 29, 2020





DATE: February 1, 2017
CASE #: CPZ-2-2017

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

APPLICATION

- PROPOSAL:** A zoning amendment from a GU, General Use District (Brevard County) to a GU, General Use Holding District.
- LOCATION:** Tax Parcel 253, Section 21, Township 28, Range 36, Brevard County, Florida. (Located in the vicinity north of Emerson Drive NW, east of St. Johns Heritage Parkway, and west of Amadore Avenue NW)
- APPLICANT:** Lyne E. Gilchrist (Michael E. Dujovne, Esq., Rep.)

SITE DATA

- PRESENT ZONING:** GU, General Use District (Brevard County)
- ACREAGE:** 10 acres, more or less
- DENSITY:** 1 dwelling unit per 5 acres
- ADJACENT ZONING
& LAND USE:**
- N** -- PUD/Single Family Residential
 - E** -- General Use/Agricultural (Brevard County)
 - S** -- PUD/Single Family Residential
 - W** -- PUD/Single Family Residential
- WATER & SEWER:** Both Available within 5 Year Utility Work Plan
- TRAFFIC COUNTS:** N/A
- FLOOD ZONE:** X, area outside the 500 year flood zone
- COMPLIANCE WITH THE
COMPREHENSIVE PLAN:** Yes, subject to approval of CP-2-2017

BACKGROUND:

The City has received a request for annexation for the 10 acre parcel from unincorporated Brevard County into the City limits.

ANALYSIS:

The requested zoning of GU, General Use Holding District causes no change from any potential future development impacts when contrasted to the existing Brevard County GU, General Use District zoning district. The proposed annexation will remove a potential unincorporated enclave.

Availability of Public Facilities and Services:

Potable Water:

The subject property is located in the City of Palm Bay Service Area. City Utilities reports that it has excess capacity available for future residential use.

Sanitary Sewer:

The subject property is located within City of Palm Bay's sanitary sewer service area. City Utilities reports that it has excess capacity available for future residential use.

Solid Waste:

Waste Management provides solid waste collection and disposal for this area and adequate capacity exists to serve the land use proposed for the subject property.

Parks & Recreation:

Not Applicable. The proposed zoning district does not increase residential density from the existing County zoning district.

Drainage:

The site is presently vacant and in its natural state. All necessary drainage and storm water management facilities must be provided on-site by the developer and approved during the site plan and land development review process.

Transportation:

Not Applicable. The proposed City zoning district does not increase residential density from the existing County designation, causing no change in trip generation from the existing zoning.

Public Schools:

Not Applicable. The proposed City zoning district does not increase residential density from the existing County designation, causing no change in student generation from the existing zoning district.

Environmental Resources:

Any future use will require review and compliance with all relevant City regulations, including environmental review as required.

Coastal High Hazard Zone:

The subject property is not located within the original Coastal High Hazard Zone nor the current surge area.

Historic Resources:

There is no Florida Master Site File for any historic resources on the property.

CODE REQUIREMENTS:

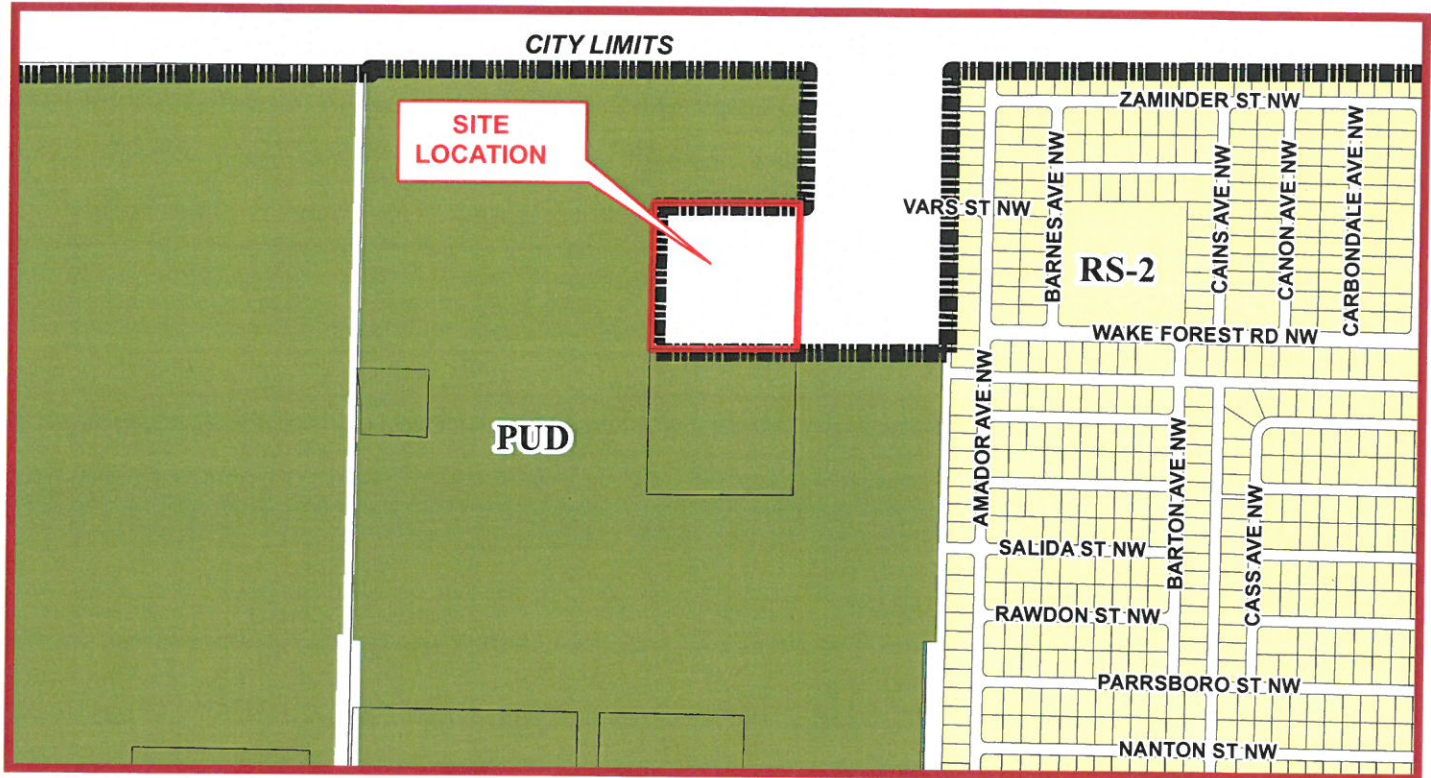
The subject property proposed for rezoning to GU, General Use Holding District. It exceeds the minimum frontage and lot size required by the district.

STAFF CONCLUSION:

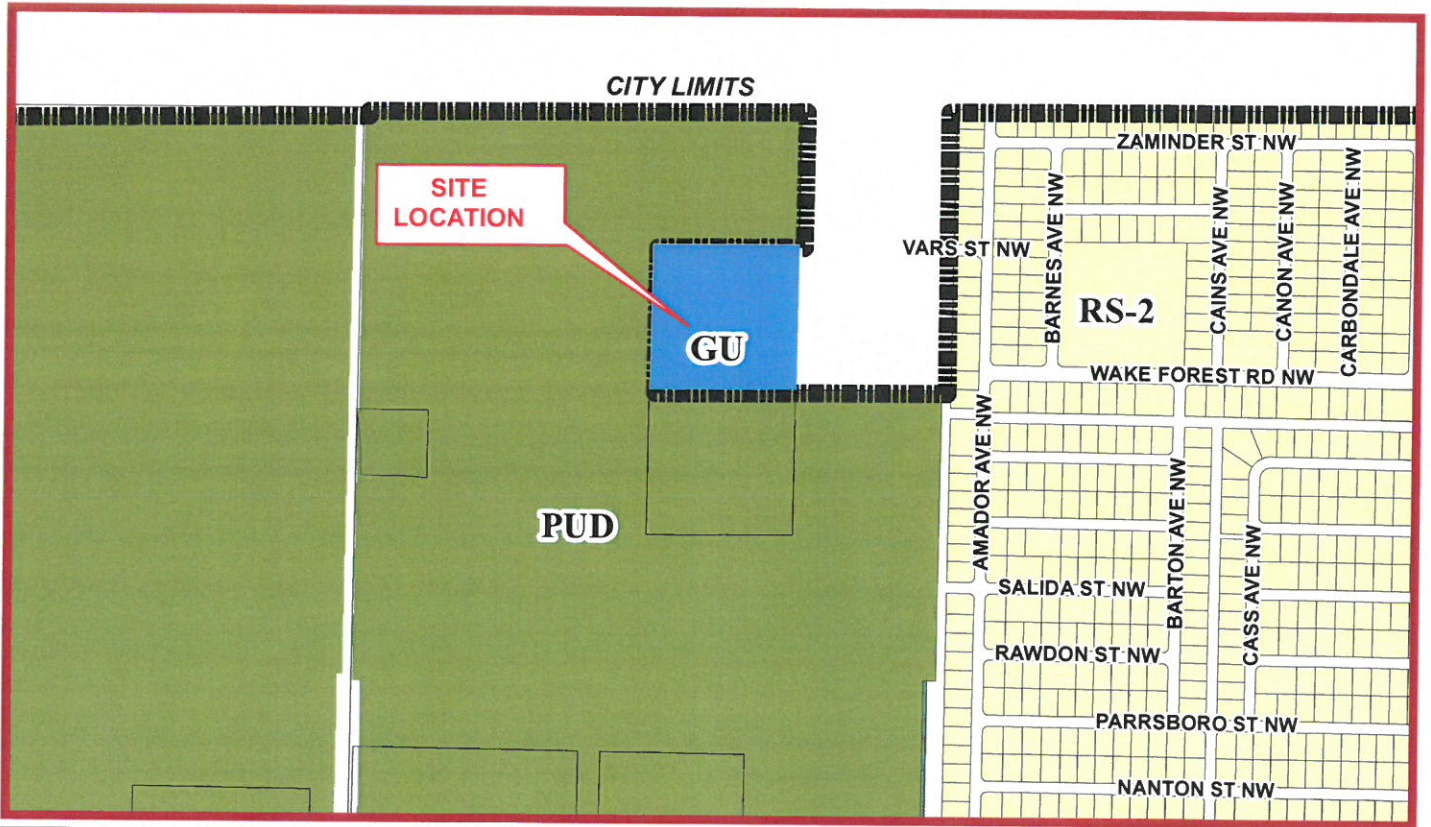
The Board and Council must determine if the requested zoning category is compatible with the requested Future Land Use category identified in Case No. CP-2-2017.

CPZ-2-2017

CURRENT ZONING



PROPOSED ZONING





Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
Landdevelopment@palmbayflorida.org

REZONING APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida, unless otherwise stated.

- 1) NAME OF APPLICANT (Type or print) Lynn E. Gilchrist
ADDRESS 731 N. Marion Street
CITY Oak Park STATE Illinois ZIP 60302
PHONE # 904-501-8093 FAX # _____
E-MAIL ADDRESS leg12mail@gmail.com
- 2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION
SW 1/4 of NE 1/4 of NW 1/4 (see attached)
SECTION 21 TOWNSHIP 28 South RANGE 36 East
- 3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 10 acres
- 4) ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.): General Use
- 5) ZONE CLASSIFICATION DESIRED (ex.: IU, LI, etc.): General Use
- 6) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY? No
- 7) JUSTIFICATION FOR REZONING: Voluntary Annexation
- 8) PRESENT USE OF THE PROPERTY: vacant residential land

- 9) INTENDED USE OF PROPERTY: The current intended use is vacant residential land.
- 10) THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:
\$600.00 Application Fee. Make check payable to "City of Palm Bay."
Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)). Provide in PDF format if larger than 11" x 14".

**CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 2 OF 2**

- X A listing of legal descriptions of all properties within a 500 foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at <https://www.bcpao.us/paohome.asp>) List shall be legible and the source of that information stated here: _____
- _____ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.
- _____ WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE REZONING.
- X IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY, AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING REZONING APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant



Date

Oct. 31, 2016

Printed Name of Applicant

Lynn E. Gilchrist

*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY

AUTHORIZATION

I, Lynn E. Gilchrist, authorize Michael E. Dujovne, Esq. and other members of Volk Law Offices, P.A. to represent me before the City of Palm Bay ("the City") , including at the public hearings, regarding the following described real property in Brevard County, Florida: S/W ¼ of NE ¼ of NW ¼ of Section 21, Township 28 South, Range 36 East, located at 2000 Vars Street NW, Palm Bay, Florida ("the Property"), including but not limited to annexation of the Property into the City.

Date: 1-17-17

Lynn E. Gilchrist
Lynn E. Gilchrist

State of ILLINOIS
County of COOK

The foregoing instrument was sworn to and subscribed before me on this 17 day of January, 2017 by Lynn E. Gilchrist, who is personally known to me or produced ILLINOIS-DL 6426-5253-9674 as identification.

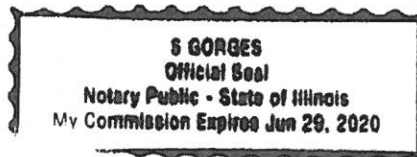
Expires 3/12/2021

S. Gorges
Signature of Notary Public

S. Gorges
Printed Name of Notary

Commission/Serial No.: 839979

My Commission Expires: June 29, 2020



AUTHORIZATION

I, Kennedy W. Gilchrist, authorize Michael E. Dujovne, Esq. and other members of Volk Law Offices, P.A. to represent me before the City of Palm Bay ("the City"), including at the public hearings, regarding the following described real property in Brevard County, Florida: S-W ¼ of NE ¼ of NW ¼ of Section 21, Township 28 South, Range 36 East, located at 2000 Vars Street NW, Palm Bay, Florida ("the Property"), including but not limited to annexation of the Property into the City.

Date: 17 January 2017

Kennedy W. Gilchrist
Kennedy W. Gilchrist

State of Wisconsin
County of Dane

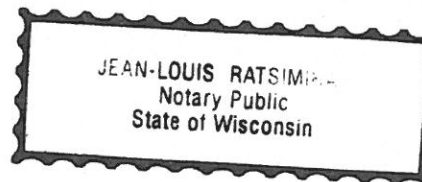
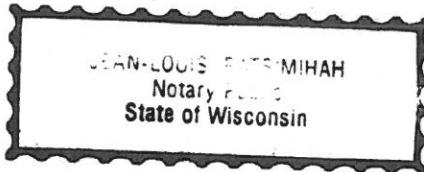
The foregoing instrument was sworn to and subscribed before me on this 17 day of January, 2017 by Kennedy W. Gilchrist, who is personally known to me or produced Driver's License as identification.

Signature of Notary Public

Printed Name of Notary

Commission/Series No.:

My Commission Expires: 1-17-2019



AUTHORIZATION

LAND DEVELOPMENT DIVISION STAFF REPORT

APPLICATION

PROPOSAL: A request to allow a proposed off-site parking lot for overflow parking as provided for in Section 185.140(G) of the Palm Bay Code of Ordinances.

LOCATION: In the vicinity of west of and adjacent to 2330 Commerce Park Drive NE.

APPLICANT: Sutton Properties Tower, LLC.

SITE DATA

PRESENT ZONING: LI, Light Industrial and Warehousing District

ACREAGE: 1.57 Acres +/-

DENSITY: Not applicable

ADJACENT ZONING & LAND USE:

- N** -- LI, Light Industrial; with two office/warehouse structures
- E** -- LI, Community Commercial; w/ structures
- S** -- RM-10, Single, Two and Multi-Family; Vacant
- W** -- N/A, Future R.O.W. for Pirate Lane; City of Melbourne

WATER & SEWER: Water and Sewer Available

TRAFFIC COUNTS: Not Available

FLOOD ZONE: Flood Zone X, an area outside the established 500 year flood plain.

COMPLIANCE WITH THE COMPREHENSIVE PLAN: Not specifically addressed

BACKGROUND:

1. The subject property is a +/- 1.57 acre parcel located west of and adjacent to an existing tenant lease space located at 2330 Commerce Park Drive NE. as described in Plat Book 24, Page 107, Brevard County Public Records.
2. The current zoning is LI, Light Industrial and Warehousing District. The surrounding properties include LI zoning to the North, and East,- with RM-10, Single, Two and Multiple Family Residential zoning to the South. The property to the west is a future right-of-way for the City of Melbourne.
3. The property is slated to be utilized for an overflow parking area for a future tenant at the adjacent property.
4. The applicant is requesting an off-site parking approval, which is required per Section 185.140(G) of the City of Palm Bay Code of Ordinances- the use is permitted, but must meet the provisions set forth in 185.140(G) for General Requirements and Conditions.

ANALYSIS:

1. The project consists of an additional 97 space parking lot and associated driveways. It should be noted that a variance was granted previously on the site to allow for a 9'-0" wide space, as opposed to the 10'-0" width that is required by code (reference Case V-15-2014).

CODE REQUIREMENTS:

1. In order to be granted off-site parking plan approval, the application must meet the provisions for approval outlined in 185.140(G). A review of these items is as follows:

Item (A)(1): *The site must be located no further than five hundred feet (500') from the outermost boundaries to the parent parcel, with the parent parcel containing a minimum of 1 principle structure.*

The site is located adjacent to the parent parcel which contains a principle structure.

Item (A)(1)(a): *The applicant must submit a survey showing any exceptional specimen trees on site, secure a site work permit for the site, and submit a parking plan with details for surface material, traffic and safety devices, along with stormwater retention for review.*

The applicant has submitted the proposed parking plan that identifies the proposed parking areas along with the required finish materials, safety, and traffic control devices. There is one exceptional specimen tree identified in the area proposed for future development which is to be saved- located at the north boundary line of the proposed parking area.

Item (A)(2): *All off street storage lots must be effectively screed by an opaque fence or similar material meeting the Growth Management Department standards for opacity.*

As the proposed site is for the parking of vehicles, and not the storage of any items, this provision does not apply.

Item (A)(2)(a): *All off-site parking lots shall be required to have the same parking and driveway standards found in 185.140.*

Since the proposed site received a variance to allow for a reduction of width for the proposed parking areas, this provision does not apply. The site does have the correct driveway width requirements found in 185.140.

Item (A)(2)(b): *All landscaping for the off-site parking area shall meet the landscape requirements for off-street parking landscaping requirements found in 185.142.*

The variance at the time it was granted required “additional” landscaping where it abuts Lipscomb Street NE. Staff recommends that this item be considered as binding for any approval they may wish to extend to the applicant. The Landscaping drawings submitted to the City for review are lacking in some of the tree requirements normally required in 185.142.

Item (A)(3): *Any exceptional specimen trees to be saved on site shall be effectively fenced or separated to that no damage shall occur to these trees while the site is being used for parking of vehicles or storage of materials on site.*

Staff identified one (1) exceptional specimen tree on the site which was designated to be saved during the construction of the proposed parking area.

Item (A)(4): *All areas used for storage shall be stabilized meeting City of Palm Bay Public Works standard details for stabilized surfaces.*

As the site is not proposing any outside storage at this time, this condition does not apply.

Item (A)(5): *All entrances and exits accessing a public street shall be paved, meeting the City of Palm Bay Public Works standard details for driveways, with traffic control devices at all exits required.*

The site is proposing a paved driveway that will tie into the existing parking area with traffic control devices at the entrance/ exit.

Item (A)(6) *The proposed off-site parking area or storage lot must at all times post the identity which business(es) have control of the site, the hours of operation for the lot, as well as emergency contact information that is clearly visible from the street.*

This item has not been addressed in the site plan drawings. The Board and/or City Council may wish to mandate the number of signs, their content, and their placement as a part of condition for the approval of the request.

Item (A)(7): *If the subject parcel is a leased property, the off-site parking and storage use shall cease at the time the contract is terminated.*

As the site is owned by the applicant, this provision does not apply.

Item (A)(8): *All off-street storage lots shall be effectively restored by seed or sod at the time the use is terminated.*

As the site is for off-site parking, this provision does not apply.

Item (A)(9): *A unity of title shall be required for off-site parking lots where they are utilized to meet the minimum parking requirements of the parent parcel.*

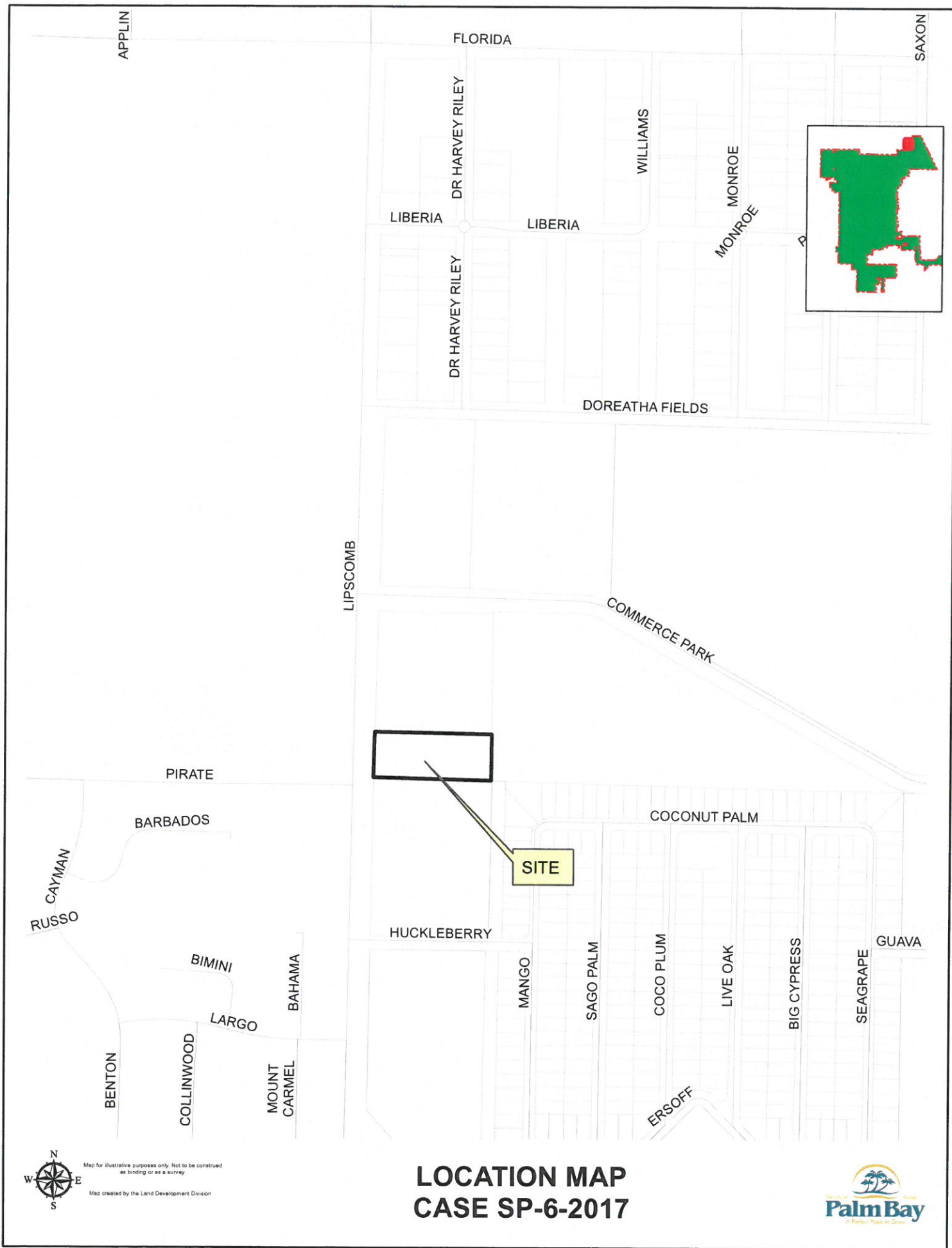
As the site is for additional overflow parking, this provision does not apply.

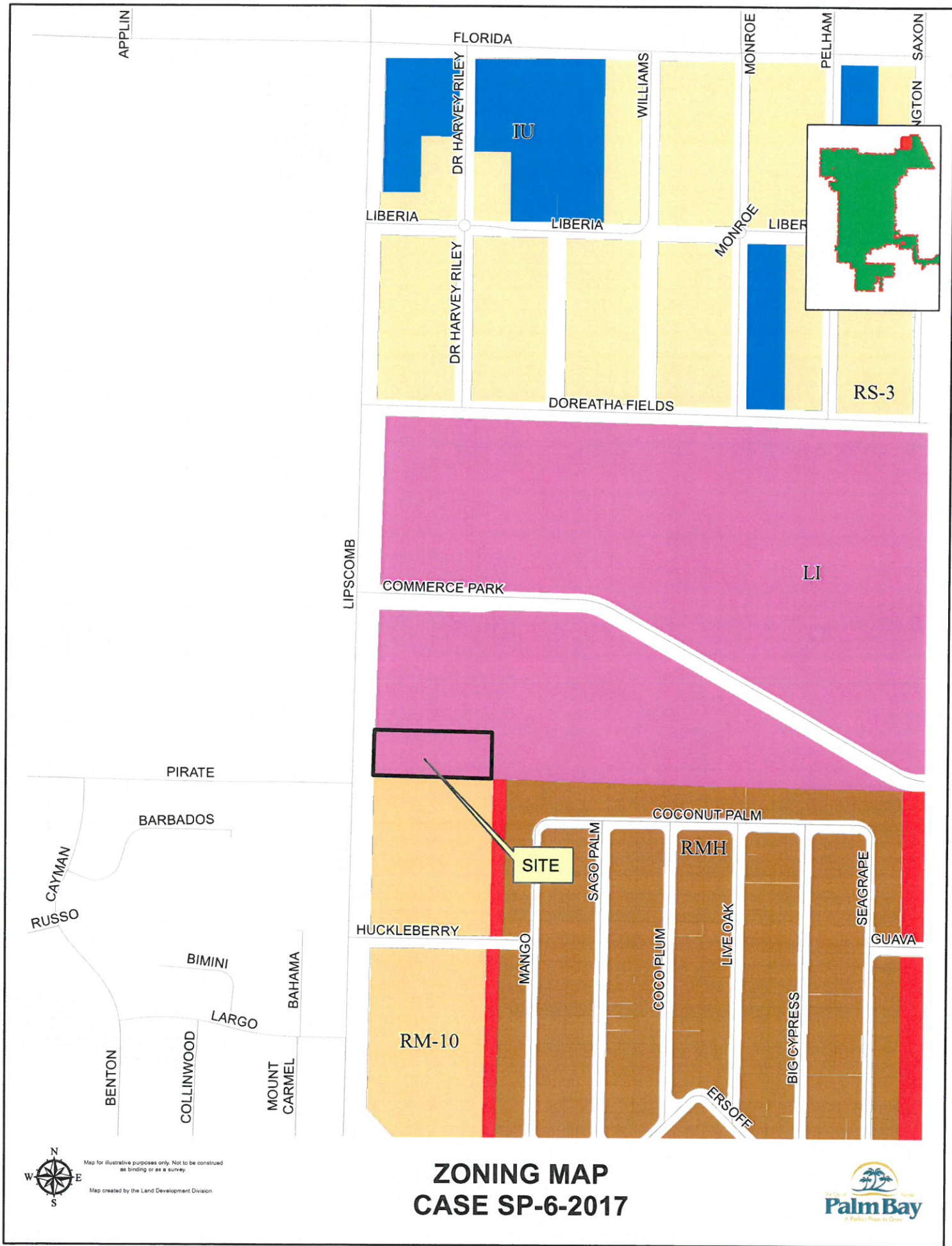
Item (A)(10): *The Growth Management Director or their designee may mandate additional landscape buffer and lighting requirements where properties of dissimilar zoning categories abut one another.*

The site abuts a vacant multiple family district to the South. The Board and/or City Council may wish to direct the applicant to provide additional landscaping or fencing along the South property line thru a binding site plan agreement that would require the additional items at the time that the vacant parcel was developed.

STAFF CONCLUSION:

The Planning and Zoning Board and City Council must determine if the request, based upon the submitted material and presentation made by the applicant or their agent, meets the general and specific requirements of the Code of Ordinances, as identified in this report.





Map for illustrative purposes only. Not to be construed as binding or as a survey.
Map created by the Land Development Division

ZONING MAP CASE SP-6-2017





Map for illustrative purposes only. Not to be construed as binding or as a survey.

Map created by the Land Development Division

AERIAL VIEW CASE SP-6-2017



LIPSCOMB STREET
N00°03'58"E

616.11'
N 00°27'13" E

NOT FLATTED

EXISTING BUSINESS
PROPOSED PARKING

NOTE: POSSIBLE
UNDERGROUND
ELECTRIC

NOT PLATTED

PROVIDE SILT SCREEN
FENCE PER FDOT INDEX
NO. 102 (TYP). SEE
TYPICAL DETAIL.

ACT J
24, PAGE 107



Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
Landdevelopment@palmabayflorida.org

OFF-SITE PARKING SITE PLAN APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida, unless otherwise stated.

- 1) NAME OF APPLICANT (Type or print) Sutton Properties Tower, LLC
ADDRESS 2155 Palm Bay Road, N.E. Suite #9
CITY Palm Bay STATE FL ZIP 32905
PHONE # 321-725-1240 FAX # 321-724-9026
E-MAIL ADDRESS fredsutton@woodlakevillage.com
- 2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION
See attached survey.

SECTION 14 TOWNSHIP 28 South RANGE 37 East
- 3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 1.71 total...1.57 for parking
- 4) ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.): LI-Light Industrial and Warehousing
- 5) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY? Tower and Fence
- 6) JUSTIFICATION FOR OFF-SITE PARKING:
Needed for tenants at Woodlake Commerce Park, i.e. companies are hiring/expanding.
- 7) PRESENT USE OF THE PROPERTY:
Vacant & Tower...
- 8) THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:
X *\$300.00 Application Fee. Make check payable to "City of Palm Bay."

 A property map clearly outlining the subject parcel and the business premises the off-site parking will serve.

CITY OF PALM BAY, FLORIDA
OFF-SITE PARKING SITE PLAN APPLICATION
PAGE 2 OF 2

_____ If the proposed parking area is already constructed, the applicant shall provide an as-built survey prepared by a registered surveyor showing all boundary lines, structures (if any), and abutting properties. The as-built survey shall also be provided by CD or Memory Drive.

X _____ If the proposed parking area is to be constructed, the applicant shall provide a site plan drawn to scale showing all yard dimensions of the proposed off-site parking area and any abutting roadways. The site plan shall also be provided by CD or Memory Drive.

_____ A list of all adjacent property owners and property owners directly opposite of the proposed off-site parking area covered by this application. The list is to include the names and complete mailing addresses of the property owners. (This can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at [www. https://www.bcpao.us](https://www.bcpao.us)) List shall be legible and the source of that information stated here: _____

X _____ Where property is not owned by the applicant, a letter must be attached giving the notarized consent of the owner for the applicant to request the Off-site parking site plan approval.

_____ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY, AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING OFF-SITE PARKING SITE PLAN APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant



Date 12-15-16

Printed Name of Applicant

Fred E. Sutton

*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY